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FILE NO. 070851

ORDINANCE NO. 251-07

[Polk Street Neighborhood Commercial District Zoning Controls.]

Ordinance amending the San Francisco Planning Code by amending Section 121.2 to move Polk Street from a 3,000 square foot lot size limit to a 2,000 square foot lot size limit and by amending Section 723 to provide that commercial and institutional uses in the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet and allowed as a conditional use for 2,000 square feet and above; adopting findings, including Section 302 findings, environmental findings, and findings of consistency with Section 101.1 and the General Plan.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17491, and incorporates those reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 070851.

(b) The Board of Supervisors finds that this ordinance is in conformity with the Priority Policies of Section 101.1 of the Planning Code and with the General Plan. The Board adopts the findings set forth in Planning Commission Resolution No. 17491 and incorporates those findings herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 070851.



(c) The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the Board of Supervisors in File No. No. 070851 and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 121.2, to read as follows:

SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses of the same size or larger than the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set forth in Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Use Size Limits
North Beach	2,000 sq. ft.
Castro Street	
<u>Polk Street</u>	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	



1 North Beach

2 Sacramento Street

3 Union Street

4 24th Street-Mission

5 24th Street-Noe Valley

6 West Portal Avenue

8 NC-1

3,000 sq. ft.

9 Broadway

10 Hayes-Gough

11 Upper Market Street

12 *Polk Street*

13 Valencia Street

15 NC-2

4,000 sq. ft.

17 NC-3

6,000 sq. ft.

18 NC-S

20 In addition to the criteria of Section 303(c) of this Code, the Commission shall consider
21 the extent to which the following criteria are met:

22 (1) The intensity of activity in the district is not such that allowing the larger use will
23 be likely to foreclose the location of other needed neighborhood-serving uses in the area.
24
25



(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 or Other Entertainment use as defined in Section 790.38 in a building existing prior to November 1, 1999, that was originally constructed as a multi-story, single-tenant commercial occupancy. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Use Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

Section 3. The San Francisco Planning Code is hereby amended by amending Section 723, to read as follows:

Sec. SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Polk Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
723.10	Height and Bulk Limit	§§ 102.12, 105, 106,	65-A, 80-A, 130-E



		250-252, 260, 270, 271	See Zoning Map
723.11	Lot Size	§§ 790.56, 121.1	P up to 9,999 sq. ft.
	[Per Development]		C 10,000 sq. ft. & above
			§ 121.1
723.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only
			§ 134(a) (e)
723.13	Street Frontage		Required
			§ 145.1
723.14	Awning	§ 790.20	P
			§ 136.1(a)
723.15	Canopy	§ 790.26	P
			§ 136.1(b)
723.16	Marquee	§ 790.58	P
			§ 136.1(c)
723.17	Street Trees		Required
			§ 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
723.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1
			§ 124(a) (b)
723.21	Use Size	§ 790.130	P up to <u>1,999</u> ~~2,999~~ sq. ft.;
	[Non-Residential]		C <u>2,000</u> ~~3,000~~ sq. ft. &
			above
			§ 121.2



1	723.22	Off-Street Parking,	§§ 150, 153-157,	Generally, none required
2		Commercial/	159-160, 204.5	if occupied floor area is
3		Institutional		less than 5000 sq. ft.
4				§§ 151, 161(g)
5	723.23	Off-Street Freight	§§ 150, 153-155,	Generally, none required
6		Loading	204.5	if gross floor area is
7				less than 10,000 sq. ft.
8				§§ 152, 161(b)
9	723.24	Outdoor Activity	§ 790.70	P if located in front;
10		Area		C if located elsewhere
11				§ 145.2(a)
12	723.25	Drive-Up Facility	§ 790.30	
13	723.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.;
14				C if not recessed
15				§ 145.2(b)
16	723.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.;
17				C 2 a.m. - 6 a.m.
18	723.30	General	§§ 262, 602-604, 608, 609	
19		Advertising Sign		
20	723.31	Business Sign	§§ 262, 602-604, 608,	P
21			609	§ 607.1(f)2
22	723.32	Other Signs	§§ 262, 602-604, 608,	P
23			609	§ 607.1(c) (d) (g)



No.	Zoning Category	§ References	Polk Street Controls by Story		
			1st	2nd	3rd+
723.38	Residential Conversion	§ 790.84	P	C	
723.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
723.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
723.41	Bar	§ 790.22	C		
723.42	Full-Service Restaurant	§ 790.92	C		
723.43	Large Fast Food Restaurant	§ 790.90			
723.44	Small Self-Service Restaurant	§ 790.91	C		
723.45	Liquor Store	§ 790.55	C		
723.46	Movie Theater	§ 790.64	P		
723.47	Adult Entertainment	§ 790.36			
723.48	Other Entertainment	§ 790.38	C		
723.49	Financial Service	§ 790.110	C	C	
723.50	Limited Financial Service	§ 790.112	P		



	No.	Zoning Category	§ References	Controls by Story		
				1st	2 nd	3rd+
1						
2			§ 790.118	P	P	
3	723.51	Medical Service	§ 790.114	P	P	
4	723.52	Personal Service	§ 790.116	P	P	
5	723.53	Business or Professional	§ 790.108	P	P	
6		Service				
7	723.54	Massage Establishment	§ 790.60,	C		
8			§ 2700 Police Code			
9	723.55	Tourist Hotel	§ 790.46	C	C	C
10	723.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
11	723.57	Automotive Gas Station	§ 790.14			
12	723.58	Automotive Service	§ 790.17			
13	723.59	Automotive Repair	§ 790.15	C		
14		Station				
15	723.60	Automotive Wash	§ 790.18			
16	723.61	Automobile Sale or Rental	§ 790.12			
17	723.62	Animal Hospital	§ 790.6	C		
18	723.63	Ambulance Service	§ 790.2			
19	723.64	Mortuary	§ 790.62			
20	723.65	Trade Shop	§ 790.124	P	C	
21	723.66	Storage	§ 790.117			
22	723.67	Video Store	§ 790.135	C	C	
23						
24						
25						



No.	Zoning Category	§ References	Controls by Story		
		§ 790.118	1st	2 nd	3rd+
Institutions and Non-Retail Sales and Services					
723.70	Administrative Service	§ 790.106			
723.80	Hospital or Medical Center	§ 790.44			
723.81	Other Institutions, Large	§ 790.50	P	C	C
723.82	Other Institutions, Small	§ 790.51	P	P	P
723.83	Public Use	§ 790.80	C	C	C
723.84	Medical Cannabis	§ 790.141	P		
	Dispensary				
RESIDENTIAL STANDARDS AND USES					
723.90	Residential Use	§ 790.88	P	P	P
723.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit 400 sq. ft. lot area § 207.4		
723.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
723.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common		



				§ 135(d)
	No.	Zoning Category	§ References	Controls by Story
			§ 790.118	1st 2 nd 3rd+
	723.94	Off-Street Parking,	§§ 150, 153-157,	Generally, 1
		Residential	159-160, 204.5	space for each
				dwelling unit
				§§ 151, 161(a) (g)
	723.95	Community Residential	§ 790.10	C C C
		Parking		

Section 3. This section shall be uncodified. This legislation shall automatically terminate one (1) year after its effective date.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:


JUDITH A. BOYAJIAN
Deputy City Attorney





City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 070851

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Section 121.2 to move Polk Street from a 3,000 square foot lot size limit to a 2,000 square foot lot size limit and by amending Section 723 to provide that commercial and institutional uses in the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet and allowed as a conditional use for 2,000 square feet and above; adopting findings, including Section 302 findings, environmental findings, and findings of consistency with Section 101.1 and the General Plan.

October 23, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell,
Mirkarimi, Peskin, Sandoval

Excused: 1 - McGoldrick

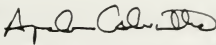
October 30, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 070851

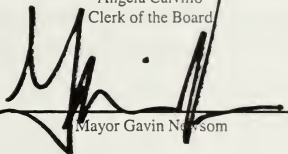
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 30, 2007
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

11/7/2007

Date Approved



Mayor Gavin Newsom



ORDINANCE NO.

Section 1. Findings. (a) Pursuant to Public Works Code Section 786, Japanese Cultural and Community Center of Northern California (JCCCNC), requested permission to occupy a portion of the public right-of-way to install a sensu sculpture on the Webster Street median between Geary Boulevard and Post Street, 72' south of the Post Street end of the median, as an iconographic gateway to Japantown neighborhood. The encroachment is a three dimensional free-standing sculpture that consists of an 8' 9 1/2" tall replica of a sensu or Japanese folding fan made of powder-coated aluminum supports with decorated porcelain enamel on steel panels forming the fan blades, that is 13' at its widest point and mounted on a 5' 9 1/2" powder coated aluminum pedestal base. The encroachment and related construction are shown on plans filed with the Department of Public Works. Copies of such plans are on file with the Clerk of the Board of Supervisors in File No. 071343.



1 (a) The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at
2 its meeting of August 9, 2007, recommended the proposed encroachment for approval.

3 (b) The Planning Department by letter dated August 15, 2007, found the proposal to
4 be consistent with the General Plan. This letter also includes a determination relating to the
5 encroachment pursuant to the California Environmental Quality Act (California Public
6 Resources Code sections 21000 et seq.). A copy of said letter is on file with the Clerk of the
7 Board of Supervisors in File No. 071343, and is incorporated herein by reference.

8 (c) The San Francisco Art Commission reviewed and approved the sensu sculpture
9 encroachment on August 6, 2007 after completion of the 3-phase review process of the
10 Commission's Civic Design Review Committee.

11 (d) After duly noticed public hearing on Sept. 26, 2007, the Department of
12 Public Works recommended approval of the proposed encroachment as set forth in DPW
13 Order No. 177086, approved Aug. 29, 2007. A copy of said DPW Order is on file
14 with the Clerk of the Board of Supervisors in File No. 071343, and is incorporated
15 herein by reference. The Department determined that the permit and associated street
16 encroachment agreement, which are incorporated herein by reference and are on file with the
17 Clerk of the Board of Supervisors in File No. 071343, shall be subject to the following
18 conditions:

19 (1) The permit shall not become effective until:

20 (i) The Permittee executes and acknowledges the permit and delivers
21 said permit to the City's Controller,

22 (ii) Permittee delivers to the City Controller a policy of insurance provided
23 for in said agreement and the Controller shall have had approved the same as complying with
24 the requirement of said agreement. The Controller may, in his discretion, accept, in lieu of
25



1 said insurance policy, the certificate of an insurance company certifying to the existence of
2 such a policy; and,

3 (iii) The Department of Public Works records the permit and associated
4 agreement in the office of the County Recorder.

5 (2) The Permittee, at the Permittee's sole expense and as is necessary as a
6 result of this permit, shall make the following arrangements:

7 (i) To provide for the support and protection of facilities belonging to the
8 Department of Public Works, San Francisco Water Department, the San Francisco Fire
9 Department and other City Departments, and public utility companies;

10 (ii) To provide access to such facilities to allow said entities to construct,
11 reconstruct, maintain, operate, or repair such facilities; and,

12 (iii) To remove or relocate such facilities if installation of the
13 encroachment requires said removal or relocation and to make all necessary arrangements
14 with the owners of such facilities, including payment for all their costs, should said removal or
15 relocation be required; and,

16 (3) The Permittee shall procure the necessary permits from the Central Permit
17 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,
18 Department of Public Works.

19 (4) No structure shall be erected or constructed within said street right-of-way
20 except as specifically permitted in the Departmental approval.

21 (5) The Permittee shall assume all costs for the maintenance and repair of the
22 encroachments and no cost or obligation of any kind shall accrue to the City and County of
23 San Francisco by reason of this permission granted.

24 Section 3. Board of Supervisors Approval.
25





City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071343

Date Passed:

Ordinance granting revocable permission to the Japanese Cultural and Community Center of Northern California to occupy a portion of the public right-of-way for the installation of a sensu sculpture on the median of Webster Street between Geary Boulevard and Post Street in the Japantown neighborhood; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 13, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 071343

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 13,
2007 by the Board of Supervisors of the City
and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

11.14.07

Date Approved

[Signature]
Mayor Gavin Newsom



[Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for \$775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J/ Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Mitchell Engineering/J. Fletcher Creamer & Son, Inc, et al., v. City and County of San Francisco, et al." San Joaquin County Superior Court, Court No. CV 026863 by the payment of \$775,000 (Seven Hundred Seventy-five Thousand Dollars) and each of the parties to bear its own attorneys fees and costs and each of the parties to provide mutual releases.

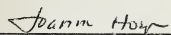
Section 2. The above-named action was filed in San Joaquin County Superior Court on July 6, 2005, and the following parties were named in the lawsuit: Plaintiff Mitchell Engineering/J. Fletcher Creamer & Son, Inc. and Defendant City and County of San Francisco.

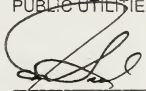
APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

DENNIS J. HERRERA
City Attorney

PUBLIC UTILITIES COMMISSION


JOANNE HOEPFER
Chief Trial Deputy


SUSAN LEAL
General Manager

OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS

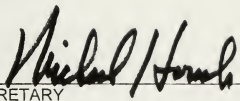


1 FUNDS AVAILABLE:

APPROVED:

2
3
4 
5 EDWARD HARRINGTON
6 Controller

7 Index Code: 527628
8 Project Code: CUH762
9 Subobject: 05312
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SECRETARY
PUBLIC UTILITIES COMMISSION





City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 071412

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for \$775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J/ Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al.

October 30, 2007 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

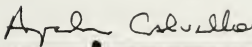
November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

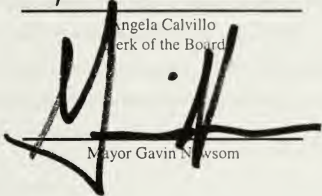


File No. 071412

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board


11/14/2007

Date Approved

Mayor Gavin Newsom



1 [San Francisco Plumbing Code.]

2
3 **Ordinance repealing the San Francisco Plumbing Code in its entirety and replacing that**
4 **code with a new 2007 San Francisco Plumbing Code consisting of the 2007 California**
5 **Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with**
6 **the San Francisco amendments; adopting findings of local conditions pursuant to**
7 **California Health and Safety Code Section 17958.7 and directing the Clerk of the Board**
8 **to forward San Francisco's amendments and findings to the California Building**
9 **Standards Commission; and making environmental findings.**

10
11 Note: This material is entirely new.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 071278 and is incorporated
17 herein by reference.
18

19 Section 2. Findings. Generally, the State of California adopts a new California
20 Plumbing Code every three years, with the new code going into effect throughout the State
21 180 days after publication. The California Plumbing Code is Part 5 of Title 24 of the California
22 Code of Regulations. The California Building Standards Commission recently published the
23 2007 California Plumbing Code. That Code will go into effect on January 1, 2008.
24
25



1 Local jurisdictions are required to enforce the California Plumbing Code. In addition,
2 local jurisdictions may enact more restrictive standards than those contained in the California
3 Plumbing Code where those more restrictive standards are reasonably necessary because of
4 local conditions caused by climate, geology or topography. Both State and local law allow
5 local amendments in the interim between code adoption cycles. For San Francisco to modify
6 State requirements, the Board of Supervisors must make express findings regarding the local
7 conditions that support each deviation from State law. Local amendments are not effective
8 until the required findings are adopted and sent to the California Building Standards
9 Commission.
10

11 As in past State code cycles, San Francisco will repeal its existing San Francisco
12 Plumbing Code in its entirety and enact a new 2007 San Francisco Plumbing Code. The
13 proposed 2007 San Francisco Plumbing Code consists of the 2007 California Plumbing Code,
14 which is based upon the 2006 Uniform Plumbing Code, together with the San Francisco
15 amendments.
16

17 Section 3. Findings regarding Local Conditions and Directions to Clerk. California
18 Health and Safety Code Section 17958.7 provides that before making any changes or
19 modifications to the California Plumbing Code and any other applicable provisions published
20 by the California Building Standards Commission, the governing body must make an express
21 finding that each such change or modification is reasonably necessary because of specified
22 local conditions, and the findings must be filed with the California Building Standards
23 Commission before the local changes or modifications can become effective.
24
25

1 The City and County of San Francisco is unique among California communities with
2 respect to local climatic, geological, topographical and other conditions. A specific list of
3 findings that support San Francisco's modifications to the 2007 California Plumbing Code and
4 a section-by-section correlation of each modification with a specific numbered finding are
5 contained in Exhibit A entitled "Standard Findings for San Francisco Plumbing Code
6 Amendments."

7
8 Pursuant to the applicable California Health and Safety Code Sections, the Board of
9 Supervisors finds and determines that the local conditions described in Exhibit A constitute a
10 general summary of the most significant local conditions giving rise to the need for
11 modification of the 2007 California Plumbing Code provisions published by the California
12 Building Standards Commission. Further, the Board of Supervisors finds and determines that,
13 as set forth in Exhibit A, the proposed modifications are reasonably necessary based on these
14 local conditions.

15
16 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby
17 directed to transmit this ordinance, the San Francisco modifications to the 2007 California
18 Plumbing Code, and Exhibit A to the California Building Standards Commission pursuant to
19 the applicable provisions of California law.

20 Section 4. 2007 San Francisco Plumbing Code. The San Francisco Plumbing Code
21 provides minimum standards to safeguard life or limb, health, property and public welfare, and
22 protect against hazards that may arise from the use of plumbing piping and systems by
23 establishing minimum requirements and standards for the design, construction, installation,
24
25



1 maintenance, extension, repair, alteration, quality of materials, location and operation of all
2 plumbing piping systems within the City and County of San Francisco. The San Francisco
3 Plumbing Code is hereby repealed in its entirety and replaced with a new 2007 San Francisco
4 Plumbing Code. The 2007 San Francisco Plumbing Code consists of the 2007 California
5 Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with the San
6 Francisco amendments.

7 A copy of the 2007 California Plumbing Code as modified by San Francisco is on file
8 with the Clerk of the Board of Supervisors in File No. 071278 and is hereby declared to
9 be a part of this ordinance as if set forth fully herein. Additions to the 2007 California
10 Plumbing Code are shown in bold type; amendments and deletions are shown with
11 underlining and strikethrough.

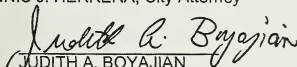
12
13 Section 5. Nothing contained in this ordinance shall be construed as abating any
14 action now pending under or by virtue of any ordinance of the City herein repealed; or as
15 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as
16 waiving any right of the City under any ordinance in force at the time of passage of this
17 ordinance providing minimum standards to safeguard life or limb, health, property and public
18 welfare, and protecting against hazards that may arise from the use of plumbing piping and
19 systems by establishing minimum requirements and standards for the design, construction,
20 installation, maintenance, extension, repair, alteration, quality of materials, location and
21 operation of all plumbing piping systems within the City and County of San Francisco.
22
23
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1 Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is,
2 for any reason, held to be unconstitutional, such decision shall not affect the validity of the
3 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
4 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
5 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
6 clauses or phrases be declared unconstitutional.

7
8 Section 7. This ordinance shall take effect and be in full force from and after the later
9 of its effective date or January 1, 2008.

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: 
13 JUDITH A. BOYAJIAN
14 Deputy City Attorney





City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 071278

Date Passed:

Ordinance repealing the San Francisco Plumbing Code in its entirety and replacing that code with a new 2007 San Francisco Plumbing Code consisting of the 2007 California Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

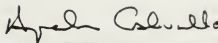
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — FINALLY PASSED

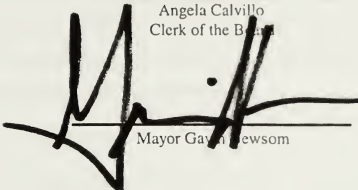
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 071278

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board


11/14/2007

Date Approved

Mayor Gavin Newsom



1 [San Francisco Mechanical Code.]

2
3 Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing
4 that code with a new 2007 San Francisco Mechanical Code consisting of the 2007
5 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code,
6 together with the San Francisco amendments; adopting findings of local conditions
7 pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk
8 of the Board to forward San Francisco's amendments and findings to the California
9 Building Standards Commission; and making environmental findings.

10 Note: This material is entirely new.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. Environmental Findings. The Planning Department has determined that the
13 actions contemplated in this Ordinance are in compliance with the California Environmental
14 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
15 on file with the Clerk of the Board of Supervisors in File No. 071277 and is incorporated
16 herein by reference.
17

18 Section 2. Findings. Generally, the State of California adopts a new California
19 Mechanical Code every three years, with the new code going into effect throughout the State
20 180 days after publication. The California Mechanical Code is Part 4 of Title 24 of the
21 California Code of Regulations. The California Building Standards Commission recently
22 published the 2007 California Mechanical Code. That Code will go into effect on January 1,
23 2008.
24
25



1 Local jurisdictions are required to enforce the California Mechanical Code. In addition,
2 local jurisdictions may enact more restrictive standards than those contained in the California
3 Mechanical Code where those more restrictive standards are reasonably necessary because
4 of local conditions caused by climate, geology or topography. Both State and local law allow
5 local amendments in the interim between code adoption cycles. For San Francisco to modify
6 State requirements, the Board of Supervisors must make express findings regarding the local
7 conditions that support each deviation from State law. Local amendments are not effective
8 until the required findings are adopted and sent to the California Building Standards
9 Commission.
10

11 As in past State code adoption cycles, San Francisco will repeal its existing San
12 Francisco Mechanical Code in its entirety and enact a new 2007 San Francisco Mechanical
13 Code. The proposed 2007 San Francisco Mechanical Code consists of the 2007 California
14 Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the
15 San Francisco amendments.
16

17 Section 3. Findings regarding Local Conditions and Directions to Clerk. California
18 Health and Safety Code Section 17958.7 provides that before making any changes or
19 modifications to the California Mechanical Code and any other applicable provisions published
20 by the California Building Standards Commission, the governing body must make an express
21 finding that each such change or modification is reasonably necessary because of specified
22 local conditions, and the findings must be filed with the California Building Standards
23 Commission before the local changes or modifications can become effective.
24
25



1 The City and County of San Francisco is unique among California communities with
2 respect to local climatic, geological, topographical and other conditions. A specific list of
3 findings that support San Francisco's modifications to the 2007 California Mechanical Code
4 and a section-by-section correlation of each modification with a specific numbered finding are
5 contained in Exhibit A entitled "Standard Findings for San Francisco Mechanical Code
6 Amendments."

7 Pursuant to the applicable California Health and Safety Code Sections, the Board of
8 Supervisors finds and determines that the local conditions described in Exhibit A constitute a
9 general summary of the most significant local conditions giving rise to the need for
10 modification of the 2007 California Mechanical Code provisions published by the California
11 Building Standards Commission. Further, the Board of Supervisors finds and determines that,
12 as set forth in Exhibit A, the proposed modifications are reasonably necessary based on these
13 local conditions.
14

15 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby
16 directed to transmit this ordinance, the San Francisco modifications to the 2007 California
17 Mechanical Code, and Exhibit A to the California Building Standards Commission pursuant to
18 the applicable provisions of California law.
19

20 Section 4. 2007 San Francisco Mechanical Code. The San Francisco Mechanical
21 Code provides minimum standards to safeguard life or limb, health, property and public
22 welfare by regulating and controlling the design, construction, installation, quality of materials,
23 location, operation and maintenance or use of, heating, ventilating, cooling, refrigeration
24
25

1 systems, incinerators or other miscellaneous heat-producing appliances within the City and
2 County of San Francisco. The San Francisco Mechanical Code is hereby repealed in its
3 entirety and replaced with a new 2007 San Francisco Mechanical Code. The 2007 San
4 Francisco Mechanical Code consists of the 2007 California Mechanical Code, which is based
5 upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments.

6 A copy of the 2007 California Mechanical Code as modified by San Francisco is on file
7 with the Clerk of the Board of Supervisors in File No. 071277 and is hereby declared to
8 be a part of this ordinance as if set forth fully herein. Additions to the 2007 California
9 Mechanical Code are shown in bold type; amendments and deletions are shown with
10 underlining and strikethrough.

12 Section 5. Nothing contained in this ordinance shall be construed as abating any
13 action now pending under or by virtue of any ordinance of the City herein repealed; or as
14 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as
15 waiving any right of the City under any ordinance in force at the time of passage of this
16 ordinance providing minimum standards to safeguard life or limb, health, property and public
17 welfare by regulating and controlling the design, construction, installation, quality of materials,
18 location, operation and maintenance or use of , heating, ventilating, cooling, refrigeration
19 systems, incinerators or other miscellaneous heat-producing appliances within the City and
20 County of San Francisco.

22 Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is,
23 for any reason, held to be unconstitutional, such decision shall not affect the validity of the
24
25

2. The second section addresses the challenges of data management in a digital age. It notes that while technology offers powerful tools for data collection and analysis, it also introduces risks such as data breaches and loss. The document recommends that organizations should invest in secure storage solutions and implement strict protocols for data access and sharing. Regular backups and security audits are highlighted as critical components of a sound data management strategy.

3. The third part of the document explores the role of data in decision-making. It argues that data-driven insights can significantly improve organizational performance by identifying trends, opportunities, and potential risks. However, it also cautions against over-reliance on data, emphasizing the importance of human judgment and contextual understanding. The text suggests that organizations should foster a culture where data is used to inform decisions, but not to replace them.

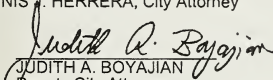
4. The final section discusses the ethical implications of data collection and use. It highlights the need for organizations to be transparent about their data practices and to obtain informed consent from individuals whose data is being collected. The document also touches on the importance of data privacy and the potential for data to be used in ways that may be harmful or discriminatory. It concludes by stating that responsible data management is not just a technical challenge, but a moral one.

1 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
2 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
3 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
4 clauses or phrases be declared unconstitutional.

5 Section 7. This ordinance shall take effect and be in full force from and after the later
6 of its effective date or January 1, 2008.

8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By:


11 JUDITH A. BOYAJIAN
Deputy City Attorney





City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 071277

Date Passed:

Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

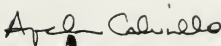
November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

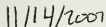


File No. 071277

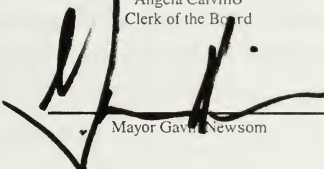
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board



Date Approved


Mayor Gavin Newsom



1 [San Francisco Housing Code.]
2

3 Ordinance repealing the San Francisco Housing Code in its entirety and replacing that
4 code with a new 2007 San Francisco Housing Code to conform to the new numbering
5 system of the 2007 California Building Code and to re-enact San Francisco's local
6 amendments to the State Housing Code with minor changes; adopting findings of local
7 conditions pursuant to California Health and Safety Code Section 17958.7 and directing
8 the Clerk of the Board to forward San Francisco's amendments to the California
9 Building Standards Commission; and making environmental findings..

10 Note: This material is entirely new.
11

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 071276 and is incorporated
17 herein by reference.
18

19 Section 2. Findings. Generally, every three years the State of California adopts a new
20 California Building Standards Code that goes into effect throughout the State 180 days after
21 publication. The California Building Standards Code consists of several parts based upon
22 model codes with amendments made by various State agencies with jurisdiction. The
23 California Building Standards Commission recently published the 2007 editions of the various
24 parts of the California Building Standards Code. They will go into effect on January 1, 2008.
25



1 Local jurisdictions are required to enforce the various parts of the California Building
2 Standards Code. In addition, local jurisdictions may enact more restrictive building standards
3 than those set in the California Building Standards Code where those more restrictive
4 standards are reasonably necessary because of local conditions caused by climate, geology
5 or topography. San Francisco, as a city and county, may make changes to California housing
6 regulations on the basis of any reasonable necessary local condition. For San Francisco to
7 modify State requirements, the Board of Supervisors must make express findings regarding
8 the local conditions to support the deviations from State law. Local amendments are not
9 effective until the required findings are adopted and sent to the California Building Standards
10 Commission.

12 As in past State code adoption cycles, San Francisco will repeal its existing San
13 Francisco Housing Code and enact a new 2007 San Francisco Housing Code. The proposed
14 2007 San Francisco Housing Code brings forward intact the substantive provisions of the
15 2001 San Francisco Housing Code with minor revisions.

17 Section 3. Findings regarding Local Conditions and Directions to Clerk. California
18 Health and Safety Code Section 17958.7 provides that before making any changes or
19 modifications to the State Housing Code and any other applicable provisions published by the
20 California Building Standards Commission, the governing body of the city and county must
21 make an express finding that each such change or modification is reasonably necessary
22 because of specified local conditions, and the findings must be filed with the California
23

1 Building Standards Commission before the local changes or modifications can become
2 effective.

3 The City and County of San Francisco is unique among California communities with
4 respect to local climatic, geological, topographical and other conditions. A specific list of
5 findings that support San Francisco's modifications to the State Housing Code and a section-
6 by-section correlation of each modification with a specific numbered finding are contained in
7 Exhibit A entitled "Comparison of Proposed 2007 San Francisco Housing Code With the State
8 Housing Code Pursuant to Section 17958.5 of the California Health and Safety Code."
9

10 Pursuant to the applicable California Health and Safety Code Sections, the Board of
11 Supervisors finds and determines that the local conditions described in Exhibit A constitute a
12 general summary of the most significant local conditions giving rise to the need for
13 modification of the State Housing Code. Further, the Board of Supervisors finds and
14 determines that, as set forth in Exhibit A, the proposed modifications are reasonably
15 necessary based on these local conditions.
16

17 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby
18 directed to transmit this ordinance, the San Francisco modifications to the State Housing
19 Code, and Exhibit A to the California Building Standards Commission pursuant to the
20 applicable provisions of California law.

21 Section 4. 2007 San Francisco Housing Code. The San Francisco Housing Code
22 provides for the maintenance of the minimum requirements for the protection of life, limb,
23 health, property, safety and welfare of the general public and the owners and occupants of
24
25



1 residential buildings in San Francisco. The San Francisco Housing Code is hereby repealed
2 in its entirety and replaced with a new 2007 San Francisco Housing Code that brings forward
3 intact the substantive provisions of the 2001 San Francisco Housing Code with minor
4 revisions.

5 Section 5. Nothing contained in this ordinance shall be construed as abating any
6 action now pending under or by virtue of any ordinance of the City herein repealed; or as
7 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as
8 waiving any right of the City under any ordinance in force at the time of passage of this
9 ordinance providing for the maintenance of the minimum requirements for the protection of
10 life, limb, health, property, safety and welfare of the general public and the owners and
11 occupants of residential buildings in San Francisco.

12 Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is,
13 for any reason, held to be unconstitutional, such decision shall not affect the validity of the
14 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
15 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
16 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
17 clauses or phrases be declared unconstitutional.

18
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23 ///



1 Section 7. This ordinance shall take effect and be in full force from and after the later
2 of its effective date or January 1, 2008.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: *Judith A. Boyajian*
6 JUDITH A. BOYAJIAN
7 Deputy City Attorney
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City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071276

Date Passed:

Ordinance repealing the San Francisco Housing Code in its entirety and replacing that code with a new 2007 San Francisco Housing Code to conform to the new numbering system of the 2007 California Building Code and to re-enact San Francisco's local amendments to the State Housing Code with minor changes; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

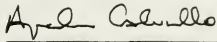
November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

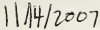


File No. 071276

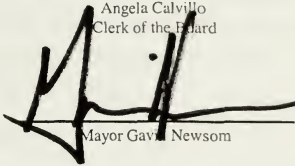
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board



Date Approved



Mayor Gavin Newsom



1 [San Francisco Electrical Code.]
2

3 **Ordinance repealing the San Francisco Electrical Code in its entirety and replacing that**
4 **code with a new 2007 San Francisco Electrical Code consisting of the 2007 California**
5 **Electrical Code, which is based upon the 2005 National Electrical Code, together with**
6 **the San Francisco amendments; adopting findings of local conditions pursuant to**
7 **California Health and Safety Code Section 17958.7 and directing the Clerk of the Board**
8 **to forward San Francisco's amendments and findings to the California Building**
9 **Standards Commission; and making environmental findings.**

10 Note: This material is entirely new.
11

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 071275 and is incorporated
17 herein by reference.
18

19 Section 2. Findings. Generally, the State of California adopts a new California
20 Electrical Code every three years, with the new code going into effect throughout the State
21 180 days after publication. The California Electrical Code is Part 3 of Title 24 of the California
22 Code of Regulations. The California Building Standards Commission recently published the
23 2007 California Electrical Code. That Code will go into effect on January 1, 2008.
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1 Local jurisdictions are required to enforce the California Electrical Code. In addition,
2 local jurisdictions may enact more restrictive standards than those contained in the California
3 Electrical Code where those more restrictive standards are reasonably necessary because of
4 local conditions caused by climate, geology or topography. Both State and local law allow
5 local amendments in the interim between code adoption cycles. For San Francisco to modify
6 State requirements, the Board of Supervisors must make express findings regarding the local
7 conditions that support each deviation from State law. Local amendments are not effective
8 until the required findings are adopted and sent to the California Building Standards
9 Commission.
10

11 As in past State code adoption cycles, San Francisco will repeal its existing San
12 Francisco Electrical Code in its entirety and enact a new 2007 San Francisco Electrical Code.
13 The proposed 2007 San Francisco Electrical Code consists of the 2007 California Electrical
14 Code, which is based upon the 2005 National Electrical Code, together with the San
15 Francisco amendments.
16

17 Section 3. Findings regarding Local Conditions and Directions to Clerk. California
18 Health and Safety Code Section 17958.7 provides that before making any changes or
19 modifications to the California Electrical Code and any other applicable provisions published
20 by the California Building Standards Commission, the governing body must make an express
21 finding that each such change or modification is reasonably necessary because of specified
22 local conditions, and the findings must be filed with the California Building Standards
23 Commission before the local changes or modifications can become effective.
24
25



1 The City and County of San Francisco is unique among California communities with
2 respect to local climatic, geological, topographical and other conditions. A specific list of
3 findings that support San Francisco's modifications to the 2007 California Electrical Code and
4 a section-by-section correlation of each modification with a specific numbered finding are
5 contained in Exhibit A entitled "Standard Findings for San Francisco Electrical Code
6 Amendments."

7 Pursuant to the applicable California Health and Safety Code Sections, the Board of
8 Supervisors finds and determines that the local conditions described in Exhibit A constitute a
9 general summary of the most significant local conditions giving rise to the need for
10 modification of the 2007 California Electrical Code provisions published by the California
11 Building Standards Commission. Further, the Board of Supervisors finds and determines that,
12 as set forth in Exhibit A, the proposed modifications are reasonably necessary based on these
13 local conditions.
14

15 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby
16 directed to transmit this ordinance, the San Francisco modifications to the 2007 California
17 Electrical Code, and Exhibit A to the California Building Standards Commission pursuant to
18 the applicable provisions of California law.
19

20 Section 4. 2007 San Francisco Electrical Code. The San Francisco Electrical Code
21 regulates the construction, alteration, moving, demolition, repair and use of all electrical
22 equipment, wiring and systems in or on any building or structure or outdoors on any premises
23 or property within the City and County of San Francisco, except such electrical equipment,
24
25



1 wiring and systems which are expressly exempted. The San Francisco Electrical Code is
2 hereby repealed in its entirety and replaced with a new 2007 San Francisco Electrical Code.
3 The 2007 San Francisco Electrical Code consists of the 2007 California Electrical Code,
4 which is based upon the 2005 National Electrical Code, together with the San Francisco
5 amendments.

6 A copy of the 2007 California Electrical Code as modified by San Francisco is on file
7 with the Clerk of the Board of Supervisors in File No. 071275 and is hereby declared to
8 be a part of this ordinance as if set forth fully herein. Additions to the 2007 California
9 Electrical Code are shown in bold type; amendments and deletions are shown with
10 underlining and strikethrough.

11
12 Section 5. Nothing contained in this ordinance shall be construed as abating any
13 action now pending under or by virtue of any ordinance of the City herein repealed; or as
14 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as
15 waiving any right of the City under any ordinance in force at the time of passage of this
16 ordinance regulating the construction, alteration, moving, demolition, repair and use of
17 electrical equipment, wiring and systems in or on any building or structure or outdoors on any
18 premises or property within the City and County of San Francisco.

19
20 Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is,
21 for any reason, held to be unconstitutional, such decision shall not affect the validity of the
22 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
23 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
24
25

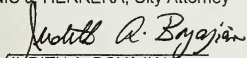


1 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
2 clauses or phrases be declared unconstitutional.

3 Section 7. This ordinance shall take effect and be in full force from and after the later
4 of its effective date or January 1, 2008.

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7
8 By:


9 JUDITH A. BOYAJIAN
Deputy City Attorney





City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071275

Date Passed:

Ordinance repealing the San Francisco Electrical Code in its entirety and replacing that code with a new 2007 San Francisco Electrical Code consisting of the 2007 California Electrical Code, which is based upon the 2005 National Electrical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

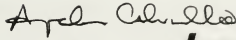
November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

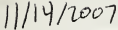


File No. 071275

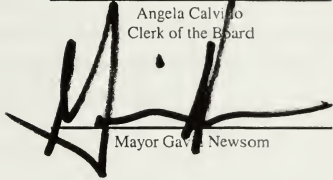
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvino
Clerk of the Board



Date Approved



Mayor Gavin Newsom



1 [San Francisco Building Code.]
2

3 Ordinance repealing the San Francisco Building Code in its entirety and replacing that
4 code with a new 2007 San Francisco Building Code consisting of the 2007 California
5 Building Code, which is based upon the 2006 International Building Code, together with
6 the San Francisco amendments; adopting findings of local conditions pursuant to
7 California Health and Safety Code Section 17958.7 and directing the Clerk of the Board
8 to forward San Francisco's amendments and findings to the California Building
9 Standards Commission; and making environmental findings.

10 Note: This material is entirely new.
11

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 071274 and is incorporated
17 herein by reference.
18

19 Section 2. Findings. Generally, the State of California adopts a new California Building
20 Code every three years, with the new code going into effect throughout the State 180 days
21 after publication. The California Building Code is Part 2 of Title 24 of the California Code of
22 Regulations. The California Building Standards Commission recently published the 2007
23 California Building Code. That Code will go into effect on January 1, 2008.
24
25



1 Local jurisdictions are required to enforce the California Building Code. In addition,
2 local jurisdictions may enact more restrictive standards than those contained in the California
3 Building Code where those more restrictive standards are reasonably necessary because of
4 local conditions caused by climate, geology or topography. Both State and local law allow
5 local amendments in the interim between code adoption cycles. For San Francisco to modify
6 State requirements, the Board of Supervisors must make express findings regarding the local
7 conditions that support each deviation from State law. Local amendments are not effective
8 until the required findings are adopted and sent to the California Building Standards
9 Commission.

11 As in past State code adoption cycles, San Francisco will repeal its existing San
12 Francisco Building Code in its entirety and enact a new 2007 San Francisco Building Code.
13 The proposed 2007 San Francisco Building Code consists of the 2007 California Building
14 Code, which is based upon the 2006 International Building Code, together with the San
15 Francisco amendments.

17 Section 3. Findings regarding Local Conditions and Directions to Clerk. California
18 Health and Safety Code Section 17958.7 provides that before making any changes or
19 modifications to the California Building Code and any other applicable provisions published by
20 the California Building Standards Commission, the governing body must make an express
21 finding that each such change or modification is reasonably necessary because of specified
22 local conditions, and the findings must be filed with the California Building Standards
23 Commission before the local changes or modifications can become effective.



1 The City and County of San Francisco is unique among California communities with
2 respect to local climatic, geological, topographical and other conditions. A specific list of
3 findings that support San Francisco's modifications to the 2007 California Building Code and a
4 section-by-section correlation of each modification with a specific numbered finding are
5 contained in Exhibit A entitled "Standard Findings for San Francisco Building Code
6 Amendments."

7
8 Pursuant to the applicable California Health and Safety Code Sections, the Board of
9 Supervisors finds and determines that the local conditions described in Exhibit A constitute a
10 general summary of the most significant local conditions giving rise to the need for
11 modification of the 2007 California Building Code provisions published by the California
12 Building Standards Commission. Further, the Board of Supervisors finds and determines that,
13 as set forth in Exhibit A, the proposed modifications are reasonably necessary based on these
14 local conditions.

15
16 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby
17 directed to transmit this ordinance, the San Francisco modifications to the 2007 California
18 Building Code, and Exhibit A to the California Building Standards Commission pursuant to the
19 applicable provisions of California law.

20
21 Section 4. 2007 San Francisco Building Code. The San Francisco Building Code
22 provides minimum standards to safeguard life or limb, health, property and public welfare by
23 regulating and controlling the design, construction, quality of materials, use and occupancy,
24 location, maintenance, and demolition of all buildings and structures, and quarrying, grading,
25



1 excavation and filling of land in the City and County of San Francisco. The San Francisco
2 Building Code is hereby repealed in its entirety and replaced with a new 2007 San Francisco
3 Building Code. The 2007 San Francisco Building Code consists of the 2007 California
4 Building Code, which is based upon the 2006 International Building Code, together with the
5 San Francisco amendments.

6 A copy of the 2007 California Building Code as modified by San Francisco is on file
7 with the Clerk of the Board of Supervisors in File No. 071274 and is hereby declared to
8 be a part of this ordinance as if set forth fully herein. Additions to the 2007 California Building
9 Code are shown in bold type; amendments and deletions are shown with underlining and
10 strikethrough.

11
12 Section 5. Nothing contained in this ordinance shall be construed as abating any
13 action now pending under or by virtue of any ordinance of the City herein repealed; or as
14 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as
15 waiving any right of the City under any ordinance in force at the time of passage of this
16 ordinance providing minimum standards to safeguard life or limb, health, property and public
17 welfare by regulating and controlling the design, construction, quality of materials, use and
18 occupancy, location, maintenance, and demolition of all buildings and structures, and
19 quarrying, grading, excavation and filling of land in the City and County of San Francisco.

20
21 Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is,
22 for any reason, held to be unconstitutional, such decision shall not affect the validity of the
23 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
24
25



1 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
2 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
3 clauses or phrases be declared unconstitutional.

4 Section 7. This ordinance shall take effect and be in full force from and after the later
5 of its effective date or January 1, 2008.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By:

Judith A. Boyajian
10 JUDITH A. BOYAJIAN
11 Deputy City Attorney
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City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071274

Date Passed:

Ordinance repealing the San Francisco Building Code in its entirety and replacing that code with a new 2007 San Francisco Building Code consisting of the 2007 California Building Code, which is based upon the 2006 International Building Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 071274

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

11/14/2007

Date Approved

[Signature]

Mayor Gavin Newsom



[San Francisco Fire Code.]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2007 San Francisco Fire Code consisting of the 2007 California Fire Code and portions of the 2006 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

Note: This material is entirely new.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough~~ normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 071257 and is incorporated herein by reference.

Section 2. General Findings. The San Francisco Fire Code is designed to regulate and govern the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and to



1 provide for the issuance of permits, inspections and other Fire Department services, and the
2 assessment and collection of fees for those permits, inspections and services.

3 Generally, the State of California adopts a new California Fire Code every three years,
4 with the new code going into effect 180 days after publication. The California Fire Code
5 consists of a base model code with amendments made by various State agencies with
6 jurisdiction over the California Fire Code. In past code cycles, the California Fire Code was
7 based on the Uniform Fire Code. In the 2007 code cycle, the California Fire Code is based on
8 the 2006 International Fire Code.

9 Local jurisdictions are required to enforce the California Fire Code. In addition, local
10 jurisdictions may enact more restrictive building standards than those set in the California Fire
11 Code, where those more restrictive standards are reasonably necessary because of local
12 conditions caused by climate, geology or topography. For San Francisco to enact more
13 restrictive standards, the Board of Supervisors must make express findings regarding the
14 local conditions to support the more restrictive provisions. Local amendments to building
15 standards are not effective until the required findings are adopted and sent to the California
16 Building Standards Commission.

17 The California Building Standards Commission recently issued the 2007 California Fire
18 Code. That Code will go into effect on January 1, 2008. The San Francisco Fire Department
19 is required to enforce the California Fire Code. If San Francisco wishes to impose more
20 restrictive building standards than those set in the California Fire Code, it must do so before
21 the effective date of the 2007 California Fire Code. In addition, State and local law allow local
22 amendment in the interim between code adoptions.

23 As in past state code cycles, San Francisco will repeal its existing Fire Code and enact
24 a new 2007 Fire Code. The current San Francisco Fire Code incorporates by reference the
25



2001 California Fire Code (Title 24, California Code of Regulations, Part 9) and those portions of the 2000 Uniform Fire Code not promulgated by the California Building Standards Commission, with local amendments adopted by San Francisco. The proposed 2007 San Francisco Fire Code incorporates by reference the California Fire Code (Title 24, California Code of Regulations, Part 9), including Appendix Chapter 1, Appendix Chapter 4, Appendix B, Appendix C, and Appendix H. In addition, except as expressly deleted, modified or amended, the proposed 2007 San Francisco Fire Code incorporates by reference those portions of the 2006 International Fire Code that were not adopted by the California Building Standards Commission in the California Fire Code. The proposed 2007 San Francisco Fire Code also includes local amendments specific to San Francisco.

Section 3. Findings regarding Firefighter Elevator. Several areas in San Francisco are increasingly experiencing high-rise and super-high-rise development. Certain buildings in the planning stages are slated to reach over 30 stories, with some reaching over 100 stories. Because of their height and location within San Francisco, these buildings present unique fire-safety concerns.

The speed with which firefighters are able to reach a fire at the top floors of a building correlates with increased public safety and building survival. Studies by the National Fire Prevention Association show that it takes a firefighter in full gear an average of two minutes to ascend each floor in a high-rise building. In a 20-story building, it would take a firefighter approximately forty minutes to reach the top floor using the stairs. In a 100-story building, it could take a firefighter up to three hours to reach the top floors using the stairs. Despite the time required to reach a fire using the stairs, firefighters are reluctant to use an elevator during fire conditions due to concerns that the elevator may malfunction or present a safety risk. An



1 elevator can be designed, however, in a manner that will divert water, smoke and heat away
2 from the elevator, making it more likely to be safe for use under fire conditions.

3 An elevator that designed to be safe during fire conditions could drastically decrease
4 the time it takes firefighters to reach the top floors of a high-rise or super-high-rise building.
5 When they reach the fire site, firefighters would not be fatigued from climbing. Using an
6 elevator designed to be safe under fire conditions, firefighters may also be able to quickly
7 transport air bottles and other equipment necessary in a fire. Using such an elevator, the Fire
8 Department could potentially rotate personnel fighting the fire. Fire growth, time and
9 temperature curves, and firefighter exhaustion considerations justify the need for providing an
10 elevator that is designed so it will likely be safe and usable under fire conditions. In addition,
11 such an elevator may be able to be used to more readily transport injured or nonambulatory
12 persons from the building.

13 California Health and Safety Code Section 13216 permits the City and County to
14 impose greater restrictions with respect to high-rise structures than are imposed by the State
15 building standards related to fire or panic safety or the regulations of the State Fire marshal,
16 Consistent with such authorization, and recognizing the above-stated unique fire safety
17 characteristics of high-rise and super-high-rise structures in San Francisco, this ordinance
18 includes a new "firefighter elevator" requirement (Section 511.1) intended to protect occupants
19 of those buildings, as well as the general public and firefighters, and to minimize building and
20 other property damage cause by fire.

21
22 Section 34. Findings regarding Local Conditions and Directions to Clerk. The City and
23 County of San Francisco is unique among California communities with respect to local
24 climatic, geological, topographical and other conditions. Among other things, (1) Certain
25



1 buildings/occupancies in San Francisco are at increased risk for earthquake-induced
2 structural failure and consequent fire due to local hazardous microzones, slide areas, and
3 local liquefaction hazards; (2) Certain buildings/occupancies in San Francisco are at
4 increased risk of fire due to high density of buildings on very small lots, with many buildings
5 built up to the property lines; (3) The topography of San Francisco has led to development of
6 a high density of buildings on small lots, necessitating special provisions for exiting, fire
7 separation, or fire-resistive construction; (4) Many buildings are built on steep hills and narrow
8 streets, requiring special safety considerations; (5) Additional fire, structural and other
9 protection is required due to high building density and crowded occupancy; and (6) The City is
10 experiencing a surge in high-rise and super-high-rise development, requiring special safety
11 considerations. Because of the great density of buildings, occupants, and pedestrians in San
12 Francisco, fires in San Francisco can be especially devastating.

13 California Health and Safety Code Sections 17958 and 17958.5 allow the City to
14 change or modify requirements contained in the provisions published in the California Building
15 Standards Code, including the California Fire Code, when the City determines that those
16 changes or modifications are reasonably necessary because of local climatic, geological or
17 topographical conditions. California Health and Safety Code Section 17958.7 provides that
18 before making any such changes or modifications, the governing body must make an express
19 finding that such changes or modifications are reasonably necessary because of specified
20 local conditions, and those finding shall be filed with the California Building Standards
21 Commission. A list of the "Standard Findings For San Francisco Fire Code Amendments" and
22 a "2007 San Francisco Fire Code Findings" providing a section-by-section statement of the
23 reasons for each deviation from the 2007 California Fire Code is set forth in the document
24
25



1 entitled "Exhibit A," which is on file in the Board of Supervisor's File No. 071257, and
2 which is hereby declared to be a part of this ordinance as if set forth fully herein.

3 Pursuant to the applicable California Health and Safety Code Sections, the Board of
4 Supervisors finds and determines that the local climatic, geological and topographical
5 conditions described above constitute a general summary of the most significant local
6 conditions giving rise to the need for variance from the California Fire Code and any other
7 applicable provisions published by the California Building Standards Commission. Further,
8 the Board of Supervisors finds and determines that, as set forth in Exhibit A, the proposed
9 variances are reasonably necessary based on these local conditions and that these conditions
10 justify more restrictive standards applicable to buildings and occupancies in San Francisco.

11 Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby
12 directed to transmit this legislation, including Exhibit A, to the California Building Standards
13 Commission and the State Fire Marshal for filing, pursuant to the applicable provisions of
14 California law.

15
16 Section 45. 2007 Fire Code. The San Francisco Fire Code is hereby repealed in its
17 entirety and replaced with the following new 2007 San Francisco Fire Code. The 2007 San
18 Francisco Fire Code incorporates by reference Title 24, California Code of Regulations, Part 9
19 (California Fire Code) including Appendix Chapter 1, Appendix Chapter 4, Appendix B,
20 Appendix C, and Appendix H. In addition, except as expressly deleted, modified or amended
21 herein, the 2007 San Francisco Fire Code incorporates by reference those portions of the
22 2006 International Fire Code that were not adopted by the California Building Standards
23 Commission in the California Fire Code.

The second part of the document focuses on the implementation of the proposed system. It details the steps involved in the rollout, including the training of staff and the integration of the new technology. The document also addresses the potential challenges and risks associated with the implementation, providing strategies to mitigate them.

The third part of the document presents the results of the implementation. It includes a detailed analysis of the data collected, highlighting the key findings and trends. The document also compares the results with the initial objectives, demonstrating the effectiveness of the proposed system.

The final part of the document provides a conclusion and recommendations. It summarizes the main points of the document and offers suggestions for future research and development. The document also includes a list of references and a glossary of terms.

1 The 2007 San Francisco Fire Code is adopted to regulate and govern the safeguarding
2 of life and property from fire and explosions hazards arising from the storage, handling and
3 use of hazardous substances, materials and devices, and from conditions hazardous to life or
4 property in the occupancy of buildings and premises as herein provided; and to provide for the
5 issuance of permits, inspections and other Fire Department services, and the assessment and
6 collection of fees for those permits, inspections and services.

7 The following sections supplement, modify, amend or delete specified provisions of the
8 California Fire Code and the 2006 International Fire Code, as follows:

9 10 **CHAPTER 1 — ADMINISTRATION**

11
12 101.1 [For SF] Title. These regulations shall be known as the 2007 San Francisco Fire
13 Code, may be cited as such, and will be referred to herein as "this code." This code
14 incorporates by reference Title 24, California Code of Regulations, Part 9 (California Fire
15 Code) including Appendix Chapter 1, Appendix Chapter 4, Appendix B, Appendix C, and
16 Appendix H. In addition, this code incorporates by reference those portions of the 2006
17 International Fire Code that were not adopted by the California Building Standards
18 Commission in the California Fire Code, except those portions of the 2006 International Fire
19 Code that are expressly deleted, modified or amended herein.

20
21 101.3.1 [For SF] Promotion of General Welfare. In undertaking the adoption and
22 enforcement of this code, the City and County is assuming an undertaking only to promote the
23 general welfare. It is not assuming, nor is it imposing on itself or its officers and employees,
24
25



an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

101.8.2 [For SF] Adoption of New Code. The Chief of the Fire Department shall review all adoptions of the California Fire Code by the California Building Standards Commission. Within 180 days of publication of such adoptions, the Chief shall recommend, through the Fire Commission, to the Board of Supervisors such revisions of this code as are reasonably necessary to accommodate local climate, geological or topographical conditions. This section is not intended to prohibit amendments to this code in the interim between code adoptions by the California Building Standards Commission.

CHAPTER 3 — GENERAL PRECAUTIONS AGAINST FIRE

302.1 [For SF] Definitions.

[For SF] GREEN ROOF is a roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

304.1.2.1 [For SF] Green roofs. Green roofs shall not contain vegetation that is considered a fire hazard.

315.2.3.1 [For SF] Elevator machine rooms. Combustible material shall not be stored in elevator machine rooms.



1 315.2.3.1.1 [For SF] Elevator machine room sign. A sign indicating no storage of
2 combustible material in the elevator machine room shall be posted in the room.
3

4 **CHAPTER 4 — EMERGENCY PLANNING AND PREPAREDNESS**

5
6 This International Fire Code Chapter is deleted. The following San Francisco sections
7 replace the corresponding International Fire Code sections.
8

9 404.1 [For SF] State of California Requirements. Emergency plans and preparedness
10 shall be provided in accordance with Title 19, California Code of Regulations, and California
11 Health and Safety Code, Section 13220.
12

13 404.2 [For SF] Fire Safety Director. Buildings having floors used for human occupancy
14 located more than 75 feet above the lowest level of Fire Department access shall have a fire
15 safety director. The fire safety director shall possess a certificate of completion of a Fire
16 Department training program. Such certificates shall be valid for not more than five years.
17

18 **CHAPTER 5 — FIRE SERVICE FEATURES**

19
20 504.1.1 [For SF] Barbed or razor wire. Barbed or razor wire shall not be permitted to
21 be on, or attached to, any fire escape, dry standpipe or other fire extinguishing facilities,
22 fence, parapet, roof surface or any other place on a building or structure where it might hinder
23 or obstruct firefighters in the performance of their duties. Where such wire exists in any such
24 location, it shall be removed.
25



1 EXCEPTION: Barbed or razor wire may be installed on fences provided it does not
2 obstruct or hinder egress, rescue operations, or access to hazardous areas, as
3 determined by the fire code official, in the event of fire or other emergency.
4

5 504.2.1 [For SF] Breakable window marking. Red reflectors shall be installed to
6 indicate the location of existing breakable, tempered glass windows required under previous
7 codes.

8 Reflectors inside buildings shall be at least 1½ inches (381 mm) in the least dimension.
9 They shall be on the glass and within 6 inches (1524 mm) of a lower corner of the pane.

10 Reflectors outside buildings shall be at least 3 inches (762 mm) in the least dimension.
11 They shall be placed on the wall below the lowest window in each vertical line of windows
12 containing tempered glass.

13 A 24-inch (609-mm) clear space shall be maintained around the reflectors.
14

15 504.3.1 [For SF] Access to roof. Doors and hatches to a roof must be able to be
16 opened from the inside without the use of a key or any special knowledge.

17 EXCEPTIONS:

18 1. Doors that have the capability of being unlocked upon a signal from a central
19 control station or other unlocking system approved by the fire code official. Upon
20 failure of electrical power, the locking mechanisms shall be retracted to the unlocked
21 position.

22 2. Doors may be locked when approved by the fire code official.
23
24
25



1 The following San Francisco sections replace the corresponding International Fire
2 Code sections.

3
4 505.1 [For SF] Address numbers. New and existing numbers shall have approved
5 address numbers, building numbers or approved building identification placed in a position
6 that is plainly legible and visible from the street or road fronting the property.

7
8 506.3 [For SF] Key box installation and maintenance. The key box shall be installed
9 and maintained in accordance with Fire Department guidelines.

10
11 507.3.1 [For SF] Roof obstructions. No wire, rope or other overhead obstruction that
12 may interfere with the operations of the Fire Department shall be installed or maintained on
13 the roof of any building.

14
15 507.3.2 [For SF] Buildings with Truss Construction. Buildings with roofs or floors of
16 composite wood joist or truss construction shall have a sign posted indicating this type of
17 construction. The sign shall be located adjacent to the main entrance door or in a location(s)
18 as required by the fire code official. The information on the sign requires approval of the fire
19 code official.

20 Exception: Group R, Division 3 Occupancies.

21
22 508.2.3 [For SF] Other water supplies. Water tanks or pools within, on or about any
23 building premises, shall be connected with approved 6-inch (152-mm) pipe leading from the
24
25



bottom of such tank to a point designated by the fire code official. Piping for tanks located at or below grade shall be designed and installed for drafting by Fire Department apparatus.

EXCEPTIONS:

1. Industrial process water tanks.
2. Tanks or pools with a capacity of less than 75,000 gallons (94.6 m3).
3. Tanks or pools used to supply automatic fire sprinkler systems.
4. Water tanks or pools installed in or R3 Occupancies.

509.1.1 [For SF] Local additional features. The fire command center shall contain the following additional features:

1. The stock of spare sprinklers required by NFPA #13.
2. Permanent signage with name and telephone number of elevator service company.
3. Building contact phone numbers.
4. Utility shut-off location map.
5. Public address system instructions.
6. Smoke control system procedures.
7. Sprinkler shut-off valve and standpipe isolation valve locations.
8. Emergency evacuation/relocation procedures, location of tenant areas of refuge, and location of tenant(s) requiring evacuation assistance.
9. Hazardous materials inventory statement and management plan, when required by the fire code official.



1 **SECTION 511 — LOCAL FIRE SAFETY FEATURE REQUIREMENTS**

2
3 511.1 [For SF] Local elevator standards for buildings 200 feet or more in height; special
4 elevator requirement. New buildings 200 feet or more in height as defined by the California
5 Building Code shall include at least one elevator approved by the Fire Department for
6 firefighter use under fire conditions.

7 EXCEPTION: Buildings with multiple bank elevators that serve no more than 20
8 consecutive floors each, whereby firefighters may ascend the building in 20 floor
9 intervals in separated hoistways. ~~Pursuant to Section 511.2, such buildings shall have~~
10 ~~a firefighter air replenishment system.~~

11 An elevator required under this Section shall be designed to divert water, smoke, and
12 heat from the elevator shaft during fire conditions, and shall meet specifications set forth in a
13 Fire Department Administrative Bulletin. The Fire Department is authorized to issue and
14 update as warranted an Administrative Bulletin setting specifications for the buildings required
15 to comply with this Section and the requirements for the elevator.

16
17 511.2 [For SF] Local standards for high-rise buildings and tunnels.

18 ~~An approved self-contained breathing~~ air replenishment system shall be installed in all
19 buildings having floors used for human occupancy located more than 75 feet (22 860 mm)
20 above the lowest level of Fire Department vehicle access. This requirement shall apply for all
21 buildings meeting this definition when the building permit application for construction was
22 made after March 30, 2004.

23 ~~EXCEPTION: Any building that includes an approved elevator under Fire Code~~
24 ~~Section 511.1.~~



1 A self-contained breathing ~~The~~ air replenishment system will provide a supply of
2 ~~pressurized breathing air~~ means for firefighters to refill air bottles for self-contained breathing
3 apparatus (SCBA) through a permanently installed piping distribution system ~~for the~~
4 ~~replenishment of portable breathing air equipment.~~ The system shall be tested and
5 maintained pursuant to the Fire Department Administrative Bulletin described below.

6 The ~~self-contained breathing air~~ replenishment system shall be installed in all new
7 underground transportation or pedestrian tunnels exceeding 300 feet (91 440 mm).

8 The Fire Department is authorized to issue and update as warranted an Administrative
9 Bulletin setting specifications for the ~~Self-Contained Breathing-Air~~ Replenishment System
10 required under this Section, as well as testing and maintenance requirements for that system.

11 12 CHAPTER 6 — BUILDING SERVICES AND SYSTEMS

13
14 The following San Francisco sections replace the corresponding International Fire
15 Code sections.

16
17 604.2.15.1.1 [For SF] Fuel supply. An on-premises fuel supply, sufficient for not less
18 than 8-hour full demand operation of the system, shall be provided.

19 20 CHAPTER 9 — FIRE-PROTECTION SYSTEMS

21
22 901.8.2 [For SF] Subsurface construction. Any person performing any subsurface work
23 for the purpose of constructing or repairing any subsurface pipe, conduit, cable, tunnel, or for
24 any other purpose, in close proximity or adjacent to any valve, gate, hydrant, main, street
25



cistern, or other part of the auxiliary water supply system (high pressure system), any hydrant, hydrant piping, or hydrant gate valve connected to the mains of the Water Department, shall comply with all Fire Department regulations and specifications, which are on file with the Department of Public Works Bureau of Engineering.

902.1 [For SF] Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

[For SF] CERTIFICATED FIRE ALARM SYSTEM is a fire alarm system under a methodical program using randomly selected follow-up inspections of the systems by a listing organization. These inspections allow the listing organization to verify that a fire alarm system complies with the requirements of this code. A fire alarm system under the program is identified by a serially numbered certificate issued by an acceptable listing organization.

The following San Francisco section replaces the corresponding International Fire Code section.

[For SF] STANDPIPE SYSTEM, CLASSES OF. A standpipe system is a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires, including the following:

Class I is a standpipe system equipped with 3-inch (76.2 mm) outlets.

Class II is a standpipe system directly connected to a water supply and equipped with 1½-inch (38.1 mm) outlets and hose.



1 Class III is a standpipe system directly connected to a water supply and equipped with
2 3-inch (76.2 mm) outlets or 3-inch (76.2 mm) and 1½-inch (38.1 mm) outlets when a 1½-inch
3 (38.1 mm) hose is required. Hose connections for Class III systems may be made through 3-
4 inch (76.2 mm) hose valves with easily removable 3-inch by 1½-inch (76.2 mm by 38.1 mm)
5 reducers.

6
7 903.2.7.1 [For SF] Automatic Sprinkler System for SRO Hotel Buildings. An automatic
8 sprinkler system, designed in accordance with NFPA 13 (1999 edition), shall be installed
9 throughout the residential occupancy of every residential hotel building existing on October
10 16, 2001, and which contains 20 or more guest rooms, as defined in the California Building
11 Code. "Residential Hotel" for purposes of this Section shall mean each and every hotel for
12 which a Certificate of Use for any residential units has been issued pursuant to San Francisco
13 Administrative Code Chapter 41.

14
15 903.2.7.2 [For SF] Design Criteria. The design criteria for the installation of the
16 sprinkler system shall be approved by the Fire Department and shall comply with NFPA 13
17 (1999 edition). Those buildings that have installed a sprinkler system prior to August 20, 2001
18 that complies with a previous NFPA standard shall be exempt from this Ordinance. Where a
19 partial sprinkler system has been previously installed in a building subject to this Section, the
20 design criteria for such existing sprinkler system, or any new system, may be approved or
21 modified by the fire code official or his or her authorized representative.

22 903.2.7.3 [For SF] Compliance Date. Residential hotels subject to this Section must
23 submit a building permit application and plans to the Department of Building Inspection and
24 the Fire Department by September 1, 2002, and complete the fire sprinkler installation as
25



1 required within subsections (a) and (b) by December 31, 2002. All buildings that must adhere
2 to this Ordinance which fail to comply with the September 1, 2002 filing deadline will be
3 considered in violation of the original sprinkler installation deadline of June 30, 2002, and
4 subject to immediate code enforcement action.

5
6 903.2.7.4 [For SF] Relocation Prohibition. Property owners who are subject to the
7 requirements of this Section shall be prohibited from relocating tenants for the sole purpose of
8 complying with this Section.

9
10 903.3.6.1 [For SF] Fire Department connection type. Fire Department connections
11 shall have 3-inch National Standard hose thread.

12
13 903.3.7.1 [For SF] Fire Department connection type. Fire Department connections
14 shall have 3-inch National Standard hose thread.

15
16 905.2.1 [For SF] Local installation standard. Standpipe systems shall be installed
17 using 3-inch (76.2 mm) national standard hose thread. Each standpipe outlet shall be placed
18 to provide a minimum of six inches on all sides of the handle and 18 inches on all sides of the
19 outlet, or located as approved.

20
21 905.3.11 [For SF] Buildings with limited Fire Department access. Horizontal and/or
22 vertical Class I standpipes shall be installed and maintained in any building, regardless of the
23 height thereof, wherever, in the opinion of the fire code official, such standpipes are necessary
24 to make hose connections available to firefighters.



1
2 905.4.3 [For SF] Local requirement for location of Class I standpipe hose connections.

3 There shall be at least one two-way outlet above the roofline when the roof has a slope of less
4 than 4 units vertical in 12 units horizontal (33.3% slope).
5

6 907.2.12.2.4 [For SF] Local requirements for emergency voice alarm-signaling system.

7 Multichannel capability shall be required for new high-rise buildings. Existing high-rise
8 buildings over 150 feet or when a new voice alarm-signaling system is installed shall provide
9 multichannel capability.
10

11 907.9.1.1 [For SF] Local annunciation requirement. Building fire alarm systems shall
12 be provided with visible annunciation in buildings with more than four floors, or when required
13 by the fire code official. Visible annunciation shall be a light-emitting diode (LED) type display.
14 The annunciator panel shall indicate the type of device by floor, zone or other approved
15 designation from which the signal originated. Visible annunciation shall be provided for all fire
16 protection systems.
17

18 907.9.1.2 [For SF] Graphic annunciation. Graphic annunciation shall be installed when
19 required by the fire code official.
20

21 907.9.3.1 [For SF] High-rise building fire alarm annunciation. Visible annunciation shall
22 be a light-emitting diode (LED) type display. All initiating devices shall be annunciated on a
23 annunciator panel located in the fire command center, and shall indicate the type of device by
24 floor, zone or other approved designation from which the signal originated. Visible
25



annunciation shall be provided for all fire protection systems. Visible annunciation shall be provided to indicate the status of emergency equipment such as the emergency generator, fire pump, and secondary water supply.

907.15.1 [For SF] Termination of service. Any agency that provides monitoring of a fire alarm system at a continuously attended supervising station facility shall notify the fire code official promptly of termination of such service.

907.20.5.1 [For SF] New certificated fire alarm systems. All new fire alarm systems shall be certificated. Fire alarm systems providing service that complies with all requirements of this code shall be certificated by an acceptable listing organization. A document attesting to the certification shall be located on or near the fire alarm system control unit or, if no control unit exists, on or near a fire alarm system component.

EXCEPTIONS:

1. Household fire-warning systems and fire alarm systems in one- or two-family dwellings or three-unit apartment houses.
2. Fire alarm control panels whose primary function is to monitor a sprinkler system.

907.20.5.2 [For SF] Certificated fire alarm system for existing buildings. The fire code official is authorized to require existing fire alarm systems to be certificated based on severity of life safety hazards or systems determined to be problematic. Occupancies required to install certificated fire alarm systems are as follows:



1. Tourist and residential hotels with 20 or more guest rooms or three or more stories in height.
2. Apartment houses with 16 or more units.
3. Public assembly occupancies with an occupant load greater than 300 persons.
4. Day care facilities with 50 or more occupants.

The Fire Department is authorized to issue and update as warranted an Administrative Bulletin setting specific requirements and exceptions to the fire alarm system requirements in this code.

914.3.1.1 [For SF] Hydraulic requirements. The sprinkler system shall be connected to at least two risers on each floor. Hydraulic calculations shall be based solely on the riser with the greatest hydraulic demand.

914.3.1.2 [For SF] Fire Department connections. A Fire Department connection shall be located on each side of the building that fronts a street. Four inlets shall be provided for each connection.

914.3.1.3 [For SF] Fire pumps. For buildings 200 feet (76 200 mm) or more in height above the lowest level of Fire Department vehicle access, U. B. C. Standard 9-1 is amended to include the following:

A minimum of two fire pumps shall be provided. Each pump shall provide at least the minimum water supply required by NFPA 14. The drive for each pump (including power sources, power supply lines, transformers, motors or engines, fuel supplies, and controllers) shall be independent of the drive for the other pump.



1
2 914.3.1.4 [For SF] Elevator machine rooms and hoistways in high-rise buildings.

3 Sprinklers shall not be newly installed in the elevator machine rooms or non-combustible
4 hoistways of new or existing high-rise buildings.

5
6 914.12 [For SF] Piers. An approved automatic sprinkler system shall be installed in
7 Group A Occupancies located on piers of combustible construction.

8
9 914.13 [For SF] Building with car parking stacking systems. An approved automatic
10 sprinkler system shall be installed in parking garages with car parking stacking systems. For
11 hydraulic design purposes per NFPA #13, rooms or areas with these systems shall be
12 designed per Extra Hazard, Group 1 requirements.

13
14 **CHAPTER 22 — MOTOR FUEL-DISPENSING**
15 **FACILITIES AND REPAIR GARAGES**
16

17 2201.1.1 [For SF] Vehicle repair in residential premises. Residential buildings and
18 premises shall not be used for service and repair of motor vehicles.

19 **EXCEPTIONS:**

- 20 1. Work performed on a vehicle registered to a resident of the building.
21 2. Work performed by a mobile vehicle service.

22
23 **CHAPTER 26 — HOT WORK**
24
25



1 **SECTION 2610 — GENERAL**

2 **HOT WORK ON PIERS**

3
4 2610.1 [For SF] Scope. Burning or hot work conducted on marine terminals, piers, and
5 wharves or moored vessels shall be in accordance with this section.

6
7 2610.2 [For SF] Repairs on Vessels. A copy of a Marine Chemist's Certificate
8 authorizing such work shall accompany any application for permit. Another copy of the
9 Certificate shall be posted in a conspicuous place near the gangway of the vessel under
10 repair. The work shall be conducted in accordance with NFPA 306, Control of Gas Hazards
11 on Vessels. Hot work is prohibited while the vessel is fueling, loading, or unloading
12 hazardous materials, or when Class "A" or "B" explosives are on board or within 100 feet (30
13 480 mm).

14
15 2610.3 [For SF] Repairs on Piers. Hot work is prohibited at marine terminals and on
16 piers, wharves or moored vessels under any of the follow conditions:

- 17 1. During gas freeing operations;
- 18 2. Within 100 feet (30 480 mm) of bulk cargo operations involving the loading or
19 unloading of flammable or combustible materials;
- 20 3. Within 100 feet (30 480 mm) of fueling (bunkering) operations; and
- 21 4. Within 100 feet (30 480 mm) of explosives or 50 feet (15 240 mm) of other
22 hazardous materials.
- 23
24
25



1 2610.4 [For SF] Requirements for Hot Work. When hot work is performed, it shall be
2 conducted in accordance with this Article, and with the regulations of the U.S. Department of
3 Transportation, U.S. Department of Labor, and the U.S. Coast Guard.

4 5 **CHAPTER 33 — EXPLOSIVES AND FIREWORKS**

6
7 This International Fire Code Chapter is deleted. The following San Francisco sections
8 replace the corresponding International Fire Code sections.

9
10 3301.2 [For SF] Bond. Before a permit is issued to use explosive materials, the
11 applicant shall file with the City and County of San Francisco a corporate surety bond in the
12 principal sum of not less than One Million Dollars (\$1,000,000) or a public liability insurance
13 policy for the same amount, naming the City and County as an additional insured, for the
14 purpose of the payment of damages to persons or property that arise from, or are caused by,
15 the conduct of an act authorized by the permit upon which a judicial judgment results. Such
16 surety bond or insurance policy shall be from a surety or insurer approved by the City's Risk
17 Manager and in a form approved by the Risk Manager. The fire code official, in consultation
18 with the Risk Manager as appropriate, is authorized to specify a greater or lesser amount
19 when, in the fire code official's opinion, conditions at the location of use indicate a greater or
20 lesser amount is required.

21 **EXCEPTION:** Government entities shall be exempt from this bond requirement.

22
23 3301.3 [For SF] Manufacturing. Explosive materials shall not be manufactured,
24 assembled or tested within the City and County unless approved by the fire code official.



1
2 3308.2 [For SF] Fireworks. Fireworks shall not be manufactured, assembled, tested,
3 used, possessed or sold within the City and County unless a permit has been approved by the
4 fire code official.

5
6 3308.3 [For SF] Permits. Permits shall be required as set forth in Appendix Chapter 1,
7 Section 105.6.

8
9 **CHAPTER 48 [For SF] — PARKING LOTS AND GARAGES**

10
11 This Chapter does not exist in the International Fire Code.

12
13 4801 [For SF] — Scope. Premises used for parking of motor vehicles and classified as
14 Group S, Division 3, Group S, Division 4 Occupancies or as a parking lot shall be in
15 accordance with Article 31. See the Building Code for construction requirements. Garages
16 used for service or repair of motor vehicles shall be in accordance with Article 29.

17
18 4802 [For SF] — Definitions.

19
20 PARKING LOTS AND GARAGES are lots and garages where the proprietor charges a
21 fee for the storage of motor vehicles. Parking lots shall include those premises that are open
22 to the sky.



1 4803 [For SF] — Permits. For permits to operate a parking lot or parking garage, see
2 Appendix Chapter 1, Section 105.6.48.

3 Plans shall be submitted with each application for a permit to operate a parking lot.
4 The plans shall indicate the location of the lot, entrances and exits, the dimensions and types
5 of construction of all structures, fences or other improvements, and any operational features
6 which may affect street traffic. The names of the owner of the premises and the operator of
7 the parking lot shall be included on the application and plans.

8
9 4804 [For SF] — **OTHER REQUIREMENTS**

10
11 4804.1 [For SF] Aisles. At least one aisle with a minimum width of 30 inches (762 mm)
12 and arranged to provide access to all portions of any parking lot or garage shall be maintained
13 at all times.

14
15 4804.2 [For SF] Exit width. Vehicle exits and entrances shall be at least 15 feet (4572
16 mm) wide.

17
18 4804.3 [For SF] Vehicle barriers. Approved vehicle barriers shall be installed to
19 prevent encroachment on any public right of way and to prevent damage to adjoining
20 property.

21
22 4804.4 [For SF] Illumination. Public parking lots shall be illuminated with light having
23 intensity of not less than 1 footcandle (10.76 lx) at the pavement.



4804.5 [For SF] Sign. An approved sign stating the name and telephone number of the operator of any unattended parking lot shall be posted.

4804.6 [For SF] Vehicle servicing. Service or repair of motor vehicles is prohibited in parking lots.

APPENDIX CHAPTER 1 — ADMINISTRATION

Section 101 is deleted.

Section 103.1 is deleted.

Section 103.2 is deleted.

103.3.1 [For SF] Designated Officers and Employees. Pursuant to Title 3, California Penal Code, Section 836.5, the classes of officers or employees of the City and County of San Francisco listed below are empowered to enforce all provisions of this code against violations as a misdemeanor or infraction by exercising arrest and citation authority:

Classification No.	Class Title
H-51	Assistant Deputy Chief II
H-50	Assistant Chief
H-40	Battalion Chief
H-32	Captain Division of Fire Prevention and Investigation



H-30	Captain
H-24	Lieutenant Bureau of Fire Investigation
H-22	Lieutenant Bureau of Fire Prevention
H-20	Lieutenant
H-10	Chief's Aide
H-6	Investigator
H-4	Fire Inspector
6281	Fire Safety Inspector II
5215	Fire Protection Engineer

104.1.1 [For SF] Administrative Bulletins. The Fire Department is authorized to issue Administrative Bulletins that establish or clarify requirements under this code, provide interpretations of this code, and set policies and procedures of the Bureau of Fire Prevention. These bulletins are posted on the Fire Department's website located online at sfgov.org.

104.1.2 [For SF] Revisions to Administrative Bulletins. When the fire code official determines that it is appropriate to revise one or more Administrative Bulletin, the Fire Department will post the revised bulletin on its website for 30 days, and will provide notice of the proposed revisions to parties who have registered to receive notice on the Department's website. The posting will include instructions for providing public comment on the proposed revised bulletin, and will also provide notice of a public hearing that will be conducted by the fire code official or his or her designee to hear public comment. The Fire Commission will discuss and approve any proposed revised bulletin prior to issuance and posting on the website as a new bulletin.

1	100	100
2	100	100
3	100	100
4	100	100
5	100	100
6	100	100
7	100	100
8	100	100
9	100	100
10	100	100
11	100	100
12	100	100
13	100	100
14	100	100
15	100	100
16	100	100
17	100	100
18	100	100
19	100	100
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88	100	100
89	100	100
90	100	100
91	100	100
92	100	100
93	100	100
94	100	100
95	100	100
96	100	100
97	100	100
98	100	100
99	100	100
100	100	100

The following table shows the results of the experiments conducted on the 100 subjects. The data is presented in a 10x10 grid, where the rows represent the subjects and the columns represent the results. The results are categorized into three groups: 'Correct', 'Incorrect', and 'Unknown'. The 'Correct' group is represented by the number '1', the 'Incorrect' group by the number '0', and the 'Unknown' group by the number '2'. The data is as follows:

1	1	0	2
2	1	0	2
3	1	0	2
4	1	0	2
5	1	0	2
6	1	0	2
7	1	0	2
8	1	0	2
9	1	0	2
10	1	0	2
11	1	0	2
12	1	0	2
13	1	0	2
14	1	0	2
15	1	0	2
16	1	0	2
17	1	0	2
18	1	0	2
19	1	0	2
20	1	0	2
21	1	0	2
22	1	0	2
23	1	0	2
24	1	0	2
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28	1	0	2
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31	1	0	2
32	1	0	2
33	1	0	2
34	1	0	2
35	1	0	2
36	1	0	2
37	1	0	2
38	1	0	2
39	1	0	2
40	1	0	2
41	1	0	2
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67	1	0	2
68	1	0	2
69	1	0	2
70	1	0	2
71	1	0	2
72	1	0	2
73	1	0	2
74	1	0	2
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86	1	0	2
87	1	0	2
88	1	0	2
89	1	0	2
90	1	0	2
91	1	0	2
92	1	0	2
93	1	0	2
94	1	0	2
95	1	0	2
96	1	0	2
97	1	0	2
98	1	0	2
99	1	0	2
100	1	0	2

The results of the experiments show that the subjects performed well on the tasks. The majority of the subjects (80%) were able to complete the tasks correctly. The remaining 20% of the subjects were unable to complete the tasks correctly. The results are presented in the following table:

Correct	80
Incorrect	20
Unknown	0

The results of the experiments show that the subjects performed well on the tasks. The majority of the subjects (80%) were able to complete the tasks correctly. The remaining 20% of the subjects were unable to complete the tasks correctly. The results are presented in the following table:

Correct	80
Incorrect	20
Unknown	0

1
2 104.6.2.1 [For SF] Photographs. The fire code official or designee is authorized to take
3 photographs as deemed appropriate by the fire code official.
4

5 104.10.2 [For SF] Reward. The Mayor is authorized to offer a reward for the arrest and
6 conviction of any person found guilty of arson or of attempted arson according to the
7 California Penal Code.
8

9 105.1.1.1 [For SF] Application fees. Applications for permits shall be accompanied by
10 the applicable fees required under Section 112 and any fees required by other departments,
11 when applicable.
12

13 105.1.2.1 [For SF] Construction permits. Construction permits are issued by the San
14 Francisco Department of Building Inspection.
15

16 The following San Francisco section replaces the corresponding International Fire
17 Code section.
18

19 105.1.3 [For SF] Permits for the Same Location. When more than one Fire Department
20 permit is required for the same location, such permits may be consolidated into a single permit
21 at the time of the original permit issuance. The fee for such consolidation shall be as
22 specified in Section 112.
23
24
25



1 The following San Francisco section replaces the corresponding International Fire
2 Code section.

3
4 105.2.3 [For SF] Operational Permit application. The fire code official is authorized to
5 cancel a permit application when the applicant fails to make corrections or to provide
6 additional information.

7
8 105.2.5 [For SF] Hearing for Certain Permits. Certain permit applications are subject to
9 hearings in accordance with San Francisco Business and Tax Regulation Code, Section 22.

10
11 The following San Francisco section replaces the corresponding International Fire
12 Code section.

13
14 105.3.1 [For SF] Expiration. A permit shall continue for not more than one year unless
15 another period of time is designated therein at the time of issuance or the permit is revoked.
16 Permits shall not be transferable, and any change in occupancy, operation, tenancy or
17 ownership shall require that a new permit be issued.

18
19 105.3.1.1 [For SF] License. When San Francisco Business and Tax Regulation Code,
20 Section 23, requires a license in conjunction with the issuance of a permit, the Chief shall
21 forward approved permits to the tax collector for issuance.

22
23 Section 105.3.2 is deleted.
24
25



1 Section 105.4 is deleted.

2
3 The following San Francisco section replaces the corresponding International Fire
4 Code section.

5
6 105.6.27 [For SF] LP-gas. An operational permit is required for storage and use of LP-
7 gas.

8 Exception: A permit is not required to use LP-fueled cooking devices or to store one
9 additional cylinder with a 20 lb. (9.1-kg) aggregate water capacity outside of the
10 building of residential occupancies. Transportation of LP-gas is not allowed through a
11 building unless through a garage or service entrance. See section 308.3.1.1 for other
12 requirements.

13
14 105.6.47. [For SF] Parking lots and garages. To operate a parking lot or parking
15 garage. See Chapter 46.

16
17 105.6.48. [For SF] Battery systems. To operate a storage battery system having a
18 liquid capacity of more than 50 gallons (189L). See Section 608.

19
20 105.7.14 [For SF] Car stacking parking systems. A construction permit is required for
21 installation of car stacking parking systems in buildings.



1 107.1.1 [For SF] Maintenance of elevators. At least one passenger elevator shall be
2 maintained in working order and accessible for immediate use by the Fire Department at all
3 times.
4

5 Section 108 is deleted.
6

7 109.2.2.1 [For SF] Owner's Responsibility to Comply. When an operator, occupant or
8 other person responsible for the condition or violation to which the order or notice pertains
9 does not comply, the owner shall comply with the orders or notices.
10

11 The following San Francisco section replaces the corresponding International Fire
12 Code section.
13

14 109.3 [For SF] Presumption of noncompliance. Notwithstanding any other provision of
15 the code, any person or entity served, in any manner permitted for service of process under
16 the provisions of the California Code of Civil Procedure, with a notice or order by the fire code
17 official setting forth the nature of the violation, demanding correction of such violation, and
18 specifying the time within which such violation must be corrected, shall be presumed, in civil
19 proceedings, to have failed to comply with that notice or order at and after the time given in
20 the notice or order for correction of the violation has expired without correction of the violation.
21

22 Any person or entity violating this code shall be liable for a civil penalty of up to \$1,000
23 for each day the violation is committed or permitted to continue, which penalty shall be
24 assessed and recovered in a civil action brought in the name of the people of the City and
25 County of San Francisco by the City Attorney in any court of competent jurisdiction. In

1 assessing the amount of the civil penalty, the court shall consider any one or more of the
2 relevant circumstances presented by any of the parties to the case, but not limited to, the
3 following: the nature and seriousness of the misconduct, the number of violations, the
4 persistence of the misconduct, the length of time over which the misconduct occurred, the
5 willfulness of the defendant's misconduct, and the defendant's assets. Any fines imposed
6 pursuant to this paragraph shall be paid to the City Treasurer and credited to the Fire
7 Department.

8 9 **SECTION 112 – FEES**

10
11 112.1 [For SF] General. Fees shall be assessed in accordance with the provisions of
12 this section.

13
14 112.2 [For SF] Permit Filing Fees. The filing fee for each permit shall be as set forth in
15 Table 106-A. Inspections that require more than two hours to complete shall be subject to an
16 additional fee of \$90.00 for each hour.

17
18 112.3 [For SF] Reinspection of Violation Fees. If an inspection by a designated officer
19 or employee of the Fire Department identifies a violation(s) of this code, the designated officer
20 or employee shall determine a period of time that is reasonable to remedy the violation and
21 reinspect the property to verify such correction. The Fire Department shall collect a fee in the
22 amount of \$180.00 to compensate for its costs of performing such reinspection to certify
23 correction of the code violation(s) and secure compliance with the applicable requirements.
24 Inspections that require more than one hour to complete shall be subject to an additional fee
25



at the rate of \$22.50 for each quarter-hour increment beyond the first sixty minutes of the Department's on-site review. The Fire Department shall send notice of the fee to the responsible party(s), requiring payment within 30 days of the date of the notice.

112.3.1 [For SF] Second Notice. If full payment of the fee imposed under Section 112.3 is not received within 60 days after notice of payment due was sent pursuant to Section 112.3, the Fire Department shall send an additional request for payment to the responsible party(s). The written notice shall state that the responsible party is liable for the payment of the fee indicated on the notice and, if payment of such fee is not received within 30 days of the mailing date of this second notice, a penalty of 10 percent plus interest at the rate of one percent per month on the outstanding balance shall be added to the fee indicated on the notice from the date that the initial notice of payment due was sent under Section 112.3.

112.4 [For SF] False Alarm Fees. A service fee of \$250 shall be charged for each false fire alarm to which the Fire Department responds after the first two false fire alarms at that address within any calendar year. A service fee of \$500 shall be charged for each false fire alarm to which the Fire Department responds after the first five false fire alarms at that address within any calendar year. The Chief may waive the false alarm fee for good cause as determined by the Chief. The Fire Department shall send notice of the fee to the responsible party(s), requiring payment within 30 days of the date of the notice.

112.4.1 [For SF] Second Notice. If full payment of the false alarm fee is not received within 60 days after notice of payment due was sent under Section 112.4, the Fire Department shall send a second request for payment to the responsible party(s). That written notice shall



1 state that the responsible party is liable for the payment of the fee indicated on the notice and,
2 if payment of the fee is not received within 30 days of the mailing date of the second notice, a
3 penalty of 10 percent plus interest at the rate of one percent per month on the outstanding
4 balance shall be added to the fee indicated on the notice from the date that notice of payment
5 due was sent under Section 112.4.

6
7 112.4.2 [For SF] Liens. If payment is not received within 30 days following mailing of
8 the second notice, the Chief may initiate special assessment lien proceedings in accordance
9 with Section 113 of this code.

10
11 112.7 [For SF] Referral Fees. Upon the request of a government agency for a
12 preliminary site inspection or survey of a premise for compliance with this code or other
13 regulatory codes enforced by the Fire Department, a service fee of \$90.00 per hour shall be
14 collected for such on-site inspections and consultations. Fees shall be paid at the time the
15 request is submitted. Fees referenced in the California Health and Safety Code shall take
16 precedence over this fee.

17
18 112.8 [For SF] High-Rise Inspection Fees. For inspections of high-rise structures
19 pursuant to Section 13217 of the California Health and Safety Code, the owner of the
20 structure shall pay a fee to cover the Fire department's costs of inspection. Such fee shall be
21 calculated on the basis of \$9.50 per 1000 square feet of gross floor area, and shall be
22 collected by the Fire Department.



1 112.8.1 [For SF] Gross Floor Area. For purposes of this section, the term "gross floor
2 area" shall be defined as the entire area of each floor, attic, basement or shaft of a building
3 included within the surrounding exterior walls of a building, including any portion not included
4 within the surrounding exterior walls; provided, however, that such portion is under the
5 horizontal projection of the roof or floor above.

6
7 112.8.2 [For SF] Notice of Payment Due. A notice of payment due shall be sent by the
8 fire code official to the owner of the structure and shall contain the following information:

- 9 1. The date and location of the Fire Department's high-rise inspection;
- 10 2. The amount of the inspection fee;
- 11 3. A statement advising the owner of the structure that he or she is liable under this
12 section for the costs of inspection in the amount indicated in the notice and that
13 payment to the City to reimburse it for these costs is due within 60 days of the mailing
14 date of the notice;
- 15 4. A statement advising that a penalty of 10 percent plus interest at the rate of one
16 percent per month on the outstanding balance shall be added to the costs from the
17 date that payment is due under this section;
- 18 5. A statement advising the owner of the structure that if payment of the costs is
19 not received within 90 days of the mailing date, a lien may be imposed on the property
20 of the owner of the structure pursuant to the provisions of this section;
- 21 6. A statement that the owner of the structure may appeal to the fire code official
22 the square footage determination contained in the notice of payment. The appeal must
23 be filed in writing with the fire code official no later than 30 days after the date the
24 notice of payment due is issued. The appeal must include a signed and stamped
25



1 statement from an architect or civil engineer license in California, certifying the square
2 footage of the structure. The fire code official's decision on the appeal shall be final.

3
4 112.8.3 [For SF] Second Notice. If full payment of the fee is not received within 60
5 days after the notice of payment due was sent under Section 112.8.2, the Fire Department
6 shall send a second notice of payment due to the owner of the structure. The second notice
7 shall state that the owner of the structure is liable for the payment of the fees indicated on the
8 notice and that if payment of such fees is not received within 30 days of the mailing date of
9 the second notice, a lien may be imposed on the subject high-rise structure pursuant to the
10 provisions of this section.

11
12 112.8.4 [For SF] Liens. If payment is not received within 30 days following mailing of
13 the second notice, the Chief may initiate special assessment lien proceedings pursuant to
14 Section 113 of this code.

15
16 112.9 [For SF] Plan Review Fees. Upon application for a permit for the erection of a
17 new building or for alteration work for which plans are required by the Department of Building
18 Inspection, the Central Permit Bureau shall charge and collect a fee to compensate the Fire
19 Department for its costs of reviewing plans submitted with building permit applications for
20 compliance with fire safety regulations. The fee shall be based on the valuation of the work
21 as determined by the Department of Building Inspection. The fee for each permit shall be as
22 set forth in Table 112-B. The Fire Department shall collect a fee in the amount of \$90.00 per
23 hour or fraction thereof for any back checking review of previously approved plans.



112.10 [For SF] Field Inspection Fees. When the Fire Department determines a field inspection is also required to certify that building construction is in compliance with fire safety regulations, it shall calculate an additional fee to compensate for the additional costs to conduct such inspection(s). The Central Permit Bureau shall collect the inspection fee due, as calculated by the Fire Department, before issuing a building permit. Additional inspection time required over the amount of time set forth in Table 106-C shall be purchased before inspection. The Fire Department shall collect a fee of \$90.00 per hour for the cost of providing the inspection service. The Fire Department shall reimburse Department of Building Inspection special fund for the costs incurred by the Department of Building Inspection in collecting such fees. The fee for each permit shall be as set forth in Table 106-C. Initial field inspection fees will be charged for inspections of new fire alarm, sprinkler, and gaseous suppression systems per the notation in Table 106-C.

112.11 [For SF] Pre-application plan review. When a party wishes to discuss specific design issues or submit preliminary designs for review and comment by the Fire Department prior to formal application for permit, a fee of \$180.00 will be assessed. This fee will provide the applicant with up to two hours for research and meeting with Fire Department personnel.

112.12 [For SF] Consolidation of Permits Fee. The fee for consolidation of permits shall be \$90.00 for each activity added to the original permit.

112.13 [For SF] Unit Inspection Fee. When inspection of multiple units at the same location is required for the issuance of a permit, there shall be an inspection fee of \$10.00 for each additional unit inspected.



1
2 112.14 [For SF] Posting Fee. The fee for posting notice of application for certain
3 permits shall be in accordance with San Francisco Business and Tax Regulation Code,
4 Section 27.

5
6 112.15 [For SF] Overtime Fee. Upon a request from a person or firm for an inspection
7 or other service that is not scheduled during an employee's normal working schedule, an
8 overtime fee will be charged. An overtime fee of \$101.00 per hour shall be collected before
9 the inspection or other service is performed. The minimum compensation will be four hours.

10
11 112.16 [For SF] Collection of Other Fees. The Chief is authorized to collect fees as
12 required by other portions of the San Francisco Municipal Code for activities of the City
13 Planning Department for their services pertinent to the issuance of permits required by this
14 code.

15
16 112.17 [For SF] Water Flow Request Fee. Upon a request from a person or firm for
17 water flow information, a water flow fee of \$45.00 will be charged. If the information
18 requested requires that Fire Department employees perform an on-site water flow test, a fee
19 of \$180.00 will be charged.

20
21 112.18 [For SF] Fee-Setting Procedure. Each year the Chief shall report the revenues
22 received from each type of fee collected by the Fire Department, the costs, both direct and
23 indirect, incurred in providing the services for which the fee is assessed, the anticipated costs
24 for the ensuing fiscal year and the rates which would be necessary to support such cost for
25

each type of fee. The Chief shall file the report with the Controller not later than April 1st of each year pursuant to the provisions of the San Francisco Administrative Code. The Controller shall file said report with the Board of Supervisors no later than May 15th of each year. The Board of Supervisors shall, by ordinance, establish or adjust the rates for any Fire Department fees. The rates set shall be equal to, but not greater than, the rates necessary to support the costs of providing the services for which each fee is assessed.

TABLE 112-A — PERMIT FEES

TYPE OF PERMIT	FEE
Aircraft repair hanger	\$180.00
Aircraft refueling vehicles	\$180.00
Automobile parking station	\$180.00
Burning, removal of paint	\$180.00
Cellulose nitrate film	\$180.00
Cellulose nitrate storage	\$180.00
Combustible fiber storage	\$180.00
Combustible material storage	\$180.00
Combustible metal processing	\$180.00
Compressed gases	\$180.00
Nonflammable	\$180.00
Flammable	\$180.00
Installation of nonflammable medical gas system	\$180.00
Installation of flammable gas system	\$180.00



1	Conditional use	\$90.00
2	Cryogenic fluids	\$180.00
3	Store, sell or handle	\$180.00
4	Transport	\$180.00
5	Dry-cleaning plant	\$180.00
6	Dust-producing machinery	\$180.00
7	Explosives	\$180.00
8	Receive	\$180.00
9	Store	\$180.00
10	Fireworks	\$180.00
11	Display or special effects	\$180.00
12	Import or export	\$180.00
13	Sell, maintain or store	\$180.00
14	Transport	\$180.00
15	Flammable finishes, application of	\$180.00
16	Limited spray paint	\$180.00
17	Flammable liquids	\$180.00
18	Installation or modification of piping systems,	
19	including dispensers	\$180.00
20	Installation of underground tanks	\$180.00
21	Portable storage tank	\$180.00
22	Manufacture, processing, blending or refining	\$180.00
23	Removal, abandonment, emptying or disposing	
24	of any flammable liquid tank	\$180.00
25		



1	Service station, attendant	\$180.00
2	Self-service station	\$180.00
3	Self-service station partial	\$180.00
4	Storage and handling	\$180.00
5	Tank vehicle	\$180.00
6	Dispensing from a tank vehicle	\$180.00
7	Testing flammable liquid tank for leakage	\$180.00
8	Use or excavation near a pipeline used to transport	\$180.00
9	Fruit-ripening process	\$180.00
10	Fumigation or thermal insecticidal fogging concern	\$180.00
11	Hazardous chemicals	\$180.00
12	Storage	\$180.00
13	Transportation	\$180.00
14	High-piled combustible storage	\$180.00
15	Hot work on piers (daily)	\$90.00
16	Hot work on piers (annual)	\$180.00
17	Industrial ovens	\$180.00
18	Liquefied petroleum gases	\$180.00
19	Handling	\$180.00
20	Receiving	\$180.00
21	Storing	\$180.00
22	Transporting	\$180.00
23	Using	\$180.00
24	Unit Inspection Fee	\$10.00
25		



1	Installation	\$180.00
2	Lumber storage	\$180.00
3	Manufacture of any organic coating	\$180.00
4	Mechanical refrigeration	\$180.00
5	Oil wells	\$180.00
6	Open burning	\$180.00
7	Open flame devices	\$180.00
8	On a marina	\$180.00
9	In public assembly	\$180.00
10	Commercial mobile barbeque unit	\$180.00
11	Operate or maintain any heliport or helistop	\$180.00
12	Parade floats	\$180.00
13	Public assembly	\$180.00
14	Public assembly-permanent occupancy for	
15	non-profit group	\$0.00
16	Vehicle garage, storage/repair garage	\$180.00
17	Radioactive material, storage of	\$180.00
18	Readily combustible material, storage of	\$180.00
19	Roofing, application with open flame	\$180.00
20	Tent or temporary membrane structure	\$180.00
21	Tire rebuilding operation	\$180.00
22	Vehicle wrecking yards, junk or waste material	
23	handling plants	\$180.00
24	Vending and standing space	\$180.00
25		



1 Welding and cutting

\$180.00

2
3 TABLE 112-B — PLAN REVIEW FEES

4 VALUATION

FEE

5 Over

Not More Than

6 \$0

\$500

\$45.00

7 \$500

\$2,000

\$60.19 plus \$12,253

8 per \$1,000 over \$500

9 \$2,000

\$25,000

\$78.57 plus \$9.071

10 per \$1,000 over \$2,000

11 \$25,000

\$50,000

\$287.21 plus \$6.110

12 per \$1,000 over \$25,000

13 \$50,000

\$100,000

\$439.96 plus \$4.082

14 per \$1,000 over \$50,000

15 \$100,000

\$500,000

\$644.10 plus \$1.678

16 per \$1,000 over \$100,000

17 \$500,000

\$1,000,000

\$1,315.67 plus \$0.940

18 per \$1,000 over \$500,000

19 \$1,000,000

\$5,000,000

\$1,785.67 plus \$0.714

20 per \$1,000 over \$1,000,000

21 \$5,000,000

\$4,644.26 plus \$0.361

22 per \$1,000 over \$5,000,000



TABLE 112-C — FIELD INSPECTION FEES (See notation for additional fees)

VALUATION	FEE/INSP. TIME CREDIT
Over	Not More Than
\$0	\$10,000
\$10,000	\$50,000
\$50,000	\$500,000
\$500,000	\$5,000,000
\$5,000,000	\$10,000,000
\$10,000,000	\$25,000,000
\$25,000,000	
	\$90.00 ONE HOUR
	\$180.00 TWO HOURS
	\$270.00 THREE HOURS
	\$450.00 FIVE HOURS
	\$900.00 TEN HOURS
	\$1800.00 TWENTY HOURS
	\$2700.00 THIRTY HOURS

NOTATION TO TABLE 112-C:

NEW FIRE ALARM SYSTEMS	\$180.00 TWO HOURS
NEW SPRINKLER SYSTEMS	\$270.00 THREE HOURS
NEW GASEOUS SUPPRESSION SYSTEMS	\$180.00 TWO HOURS

This initial minimum inspection fee covers all inspections up to the hours specified above. If the inspections for the new system exceed the hours specified above, additional hourly fees will be assessed.

SECTION 113 [For SF] — LIENS AND PENALTIES

113.1 [For SF] Lien Proceedings. When authorized under this code, the Chief may initiate special assessment lien proceedings pursuant to the provisions of the San Francisco Administrative Code, Chapter 10, Article XX, by reporting the delinquency to the Board of



Supervisors. The entire unpaid balance of the costs, including any penalty and interest on the unpaid balance, shall be made a special assessment lien against the responsible party's property. Such charges against delinquent accounts shall be reported to the Board of Supervisors at least once each year.

113.2 [For SF] Penalties for Violations. Pursuant to California Government Code Section 36900(a) and (b), any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this code or any lawful order issued pursuant thereto shall be guilty of an infraction or a misdemeanor. The citation charging the violation shall specify whether the violation charged is a misdemeanor or an infraction. Every violation is punishable by (1) a fine not exceeding \$100 for a first violation; (2) a fine not exceeding \$200 for a second violation; (3) a fine not exceeding \$500 for a third or subsequent violation of the same ordinance within one year. If charged as an infraction, the penalty upon conviction therefore shall be not less than \$50 or more than \$500, no part of which may be suspended. If charged as a misdemeanor, the penalty upon conviction therefore shall be a fine of not less than \$500 or more than \$1,000 or imprisonment in the county jail, not exceeding six (6) months, or both fine and imprisonment, no part of which may be suspended. Every day such violation, disobedience, omission, neglect or refusal continues shall be considered as a new offense. Any person who shall do any work in violation of any of the provisions of this code, and any person having charge of such work who shall permit it to be done, shall be liable for the penalty provided.

Section 56. Nothing contained in this ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City herein repealed; or as



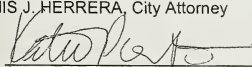
1 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as
2 waiving any right of the City under any ordinance in force at the time of passage of this
3 ordinance regulating the hazards of fire and explosion arising from the storage, handling and
4 use of hazardous substances, materials and devices, or from conditions hazardous to life or
5 property in the use or occupancy of buildings or premises.

6
7 Section 67. If any section, subsection, sentence, clause or phrase of this ordinance is,
8 for any reason, held to be unconstitutional, such decision shall not affect the validity of the
9 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
10 have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
11 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
12 clauses or phrases be declared unconstitutional.

13
14 Section 78. This ordinance shall take effect and be in full force from and after the later
15 of its effective date or January 1, 2008.

16
17
18
19
20 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

21
22 By:


KATHARINE HOBIN PORTER
Deputy City Attorney





City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 071257

Date Passed:

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2007 San Francisco Fire Code consisting of the 2007 California Fire Code and portions of the 2006 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 071257

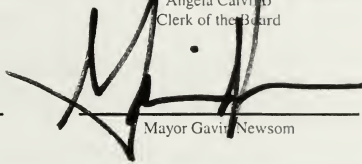
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

11/14/2007

Date Approved



Mayor Gavin Newsom



260-07

FILE NO. 070617

ORDINANCE NO.

[Zoning – modifying the definition of liquor store to remove prohibitions on grocery stores and similar uses.]

Ordinance amending Planning Code Sections 790.55, 790.102, 249.5, 781.8, 781.9, 782, and 783, and 784 to remove grocery stores and other similar uses from prohibitions placed on the establishment of liquor stores in certain districts; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

a. The City created certain zoning districts that prohibit new off-sale liquor licenses in order to address a proliferation of neighborhood liquor stores that upset the balance of neighborhoods services and attracted various public nuisances and criminal activity.

b. Grocery stores and certain other retail establishments require the same type of liquor license from the State Department of Alcoholic Beverage Control as do conventional liquor stores. As a consequence, those districts where off-sale liquor licenses are prohibited have unintentionally precluded the establishment of grocery stores and similar uses where alcohol sales are accessory to the primary product offerings of the store and do not have the negative impacts identified above

c. The recent citywide spate of grocery store closures and the general desirability of such stores necessitate efforts to recraft alcohol restrictions in the Planning Code to be more permissive toward grocery stores and similar uses.



Section 2. Environmental Findings, General Plan Findings, and Other Required Findings.

a. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 070617 and is incorporated herein by reference.

b. On September 20, 2007, the Planning Commission, in Resolution No. 17488 ~~approved and recommended disapproval of for adoption by the Board~~ this legislation and ~~adopted findings that it is consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1~~ The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 070617, and is incorporated by reference herein. As a consequence, the Board of Supervisors adopts herein its own findings that this legislation is consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. Said findings are on file with the Clerk of the Board of Supervisors in File No. 070617, and are incorporated herein by reference.

c. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this legislation will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 17488, and incorporates such reasons by reference herein.

Section 3. The San Francisco Planning Code is hereby amended by amending Section 790.55, to read as follows:

SEC. 790.55. LIQUOR STORE.

A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed container for consumption off the premises and which needs a State of California Alcoholic



Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general). This classification shall not include retail uses that (1) are classified as a general grocery store use as set forth in Section 790.102(a) or (2) have both (a) a use size as defined in Section 790.130 of this Code of greater than 10,000 gross square feet and (b) a gross floor area devoted to alcoholic beverages that is within accessory use limits as set forth in Section ~~240.2~~^{204.2} or 703.2(b)(1)(c) of this Code, depending on the zoning district in which the use is located. For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail uses explicitly exempted from this definition as set forth above shall not:

(a) sell any malt beverage with an alcohol content greater than 5.7% by volume; any wine with an alcohol content of greater than 15% by volume, except for "dinner wines" that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 ml; and

(b) devote more than 15% of the gross square footage of the establishment to the display and sale of alcoholic beverages.

Section 4. The San Francisco Planning Code is hereby amended by amending Section 249.5, to read as follows:

SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.

(a) General. A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. 1Sub of the Zoning Map, is hereby established for the purposes set forth below.

(b) Purposes. In order to protect and enhance important housing resources in an area near downtown, conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely impact the residential



1 nature of the area, and limit the number of commercial establishments which are not intended primarily
2 for customers who are residents of the area, the following controls are imposed in the North of Market
3 Residential Special Use District.

4 (c) Controls. The following zoning controls are applicable in the North of Market Residential
5 Special Use District. Certain controls are set forth in other Sections of this Code and are referenced
6 herein.

7 (1) Conditional Use Criteria. In making determinations on applications for conditional
8 use authorizations required for uses located within the North of Market Residential Special Use
9 District, the City Planning Commission shall consider the purposes as set forth in Subsection (b)
10 above, in addition to the criteria of Section 303(c) of this Code.

11 (2) Notwithstanding the provisions of Section 209.8 of this Code, commercial
12 establishments shall be limited to the ground floor and the first basement floor, except that such
13 establishments may be permitted on the second story as a conditional use if authorized pursuant to
14 Section 303 and Section 249.5(c)(1) of this Code.

15 (3) Garment shops that meet the qualifications set forth in Section 236(a) may be
16 permitted on the ground floor and first basement floor as a conditional use if authorized pursuant to
17 Section 303 and Section 249.5(c)(1) of this Code.

18 (4) The following uses are not permitted: (A) A hotel, inn, hostel or motel; and (B)
19 massage establishments which are not incidental to the institutional uses permitted in Sections 217(a)
20 through (d) of the Planning Code or are not incidental to a health club, gymnasium or other facility with
21 a regular membership or other facility which is used primarily for instruction and training in body
22 building, exercising, reducing, sports, dancing or other similar physical activities.

23 (5) In the portion of the area designated as Subarea No. 1 of the North of Market
24 Residential Special Use District, as shown on Section Map 1Sub of the Zoning Map, the density ratio
25 shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2, as shown on Section



Map 1SUB of the Zoning Map, the density ratio shall be one dwelling unit for each 200 feet of lot area. The double density provisions of Section 209.1(m) shall not result in greater density than that permitted in an RC-4 District.

(6) Off-street parking requirements may be modified by the City Planning Commission, as provided in Section 161(h) of this Code.

(7) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table 270 of this Code.

(8) Special exceptions to the 80-foot base height limit in height and bulk districts 80-120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

(9) Building setbacks are required in this district pursuant to Section 132.2; provisions for exceptions are also set forth in Section 132.2 of this Code.

(10) Exceptions to the rear yard requirements for an RC-4 District may be granted pursuant to Section 134(f) of this Code.

(11) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building Code and Sections 249.5(c)(12), 136.2 and 607.4 of this Code are permitted.

(12) Signs located in the RC-4 portion of this district shall be regulated as provided in Section 607.4 of this Code.

(13) All provisions of the City Planning Code applicable in an RC-4 Use District shall apply within that portion of the district zoned RC-4, except as specifically provided above. All provisions of the City Planning Code applicable in a P Use District shall apply within that portion of the district zoned P, except as specifically provided above.

(14) All demolitions of buildings containing residential units shall be permitted only if authorized as a conditional use under Section 303 of this Code, unless the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that



the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety. When considering whether to grant a conditional use permit for the demolition, in lieu of the criteria set forth in City Planning Code Section 303(c), consideration shall be given to the purposes of the North of Market Residential Special Use District set forth in Section 249.5(b), above, to the adverse impact on the public health, safety and general welfare due to the loss of existing housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel units shall also comply with the provisions of the Residential Hotel Ordinance.

(d) Liquor Establishments. In addition to all other applicable controls set forth in this Code, Liquor Establishments in the North of Market Residential Special Use District shall be subject to the controls set forth in this Section.

(1) No Off-Sale Liquor Establishments shall be permitted in the North of Market Residential Special Use District, ~~except for grocery stores as defined in Section 790.102 of this Code.~~

(2) An Off-Sale Liquor Establishment lawfully existing in the North of Market Residential Special Use District and selling alcoholic beverages as licensed by the State of California prior to the effective date of this legislation may continue operation only under the following conditions, as provided by California Business and Professions Code Section 23790:

(A) The premises shall retain the same type of retail liquor license within a license classification; and

(B) The licensed premises shall be operated continuously without substantial change in mode or character of operation.

(3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to prohibit the following, provided that the type of California liquor license does not change, the location



1 of the establishment does not change, and the square footage used for the display and sale of
2 alcoholic beverages does not increase:

3 (A) A change in ownership of an Off-Sale Liquor Establishment or an owner-to-owner
4 transfer of a California liquor license; or

5 (B) Re-establishment, restoration or repair of an existing Off-Sale Liquor
6 Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection,
7 toxic accident or act of God; or

8 (C) Temporary closure of an existing Off-Sale Liquor Establishment for not more than
9 ninety (90) days for repair, renovation or remodeling.

10 (4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
11 prohibit the following:

12 (A) Temporary uses, as described in Planning Code Section 205.1; or

13 (B) Establishment of an Off-Sale Liquor Establishment if application for such Off-Sale
14 Liquor Establishment is on file with the California Department of Alcoholic Beverage Control prior to
15 the effective date of this legislation; or

16 (C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market
17 Residential Special Use District to another location within the North of Market Residential Special Use
18 District with conditional use authorization from the City Planning Commission, provided that (i) the type
19 of California liquor license does not, change, (ii) the square footage used for the display and sale of
20 alcoholic beverages does not increase, and (iii) the original premises shall not be occupied by an Off-
21 Sale Liquor Establishment unless by another Off-Sale Liquor Establishment that is also relocating from
22 within the North of Market Residential Special Use District. Any such conditional use authorization
23 shall include a requirement that the establishment comes with the "Good Neighbor Policies" set forth in
24 Subsection (d)(6) below; or



(D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-Sale Beer and Wine), provided that the square footage used for the display and sale of alcoholic beverages does not increase.

(5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to prohibit the transfer of any California Alcoholic Beverage Control Board off-sale liquor license from a location outside of the North of Market Residential Special Use District to a location within the North of Market Residential Special Use District or the issuance of any original California Alcoholic Beverage Control Board off-sale liquor license for a location within the North of Market Residential Special Use District.

(6) The following "Good Neighbor Policies" shall apply to all Liquor Establishments in the North of Market Residential Special Use District in order to maintain the safety and cleanliness of the premises and vicinity:

(A) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by patrons;

(B) The establishment shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing area residences;

(C) No alcoholic beverages shall be consumed on any outdoor property adjacent to the establishment and which is under the control of the establishment, excepting those areas of the property that are enclosed and not visible from the sidewalk, are intended for patron services, are supervised by the establishment, and are not located adjacent to any sidewalk areas;

(D) No more than 33 percent of the square footage of the windows and clear doors of the establishment shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are



maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises;

(E) No person under the age of 21 shall sell or package alcoholic beverages;

(F) Employees of the establishment shall regularly police the area under the control of the establishment in an effort to prevent the loitering of persons about the premises; and

(G) The establishment shall promptly remove any graffiti from the exterior of the premises.

(7) For purposes of this Section, the following definitions shall apply:

(A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages pursuant to a California Alcoholic Beverage Control Board license.

(B) ~~"Off-Sale Liquor Establishment" shall mean any enterprise selling alcoholic beverages pursuant to a California Alcoholic Beverage Control Board License Type 20 (Off-Sale Beer and Wine), Type 21 (Off-Sale General), or any other California Alcoholic Beverage Control Board License which includes the privilege to sell alcoholic beverages for consumption off of the premises. Typical Off-Sale Liquor Establishments may include, but are not limited to, grocery stores, supermarkets and other retail sales and services~~ establishment that is defined in Section 790.35 of this Code except that for purposes of this Section such establishment shall not sell the following:

_____ (i) any malt beverage with an alcohol content greater than 5.7 by volume;

_____ (ii) any wine with an alcohol content of greater than 15% by volume

except for "dinner wines" that have been aged two years or more and maintained in a corked bottle; or

_____ (iii) any distilled spirits in container sizes smaller than 600 ml.

(C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California Business and Professions Code Sections 23004 and 23025;





(a) Prohibition of New Establishments Selling Alcoholic Beverages. No new establishment where alcoholic beverages are sold, served or given away for on-site or off-site consumption, shall be established in this special use district as set forth below:

(1) No new bar, as defined in Planning Code Section 790.22, shall be permitted in this special use district;

(2) No new off-sale liquor establishment shall be permitted in the special use district. An "off-sale liquor establishment" shall mean any establishment ~~which has obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) selling alcoholic beverages in an open or a closed container for consumption off the premises. Typical off-sale liquor establishments may include but are not limited to the following: food markets, supermarkets, drugstores, liquor stores, bars and convenience markets~~ that is defined in Section 790.55 of this Code including the limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).

(b) Prohibition of Expansion of Existing Establishments Selling Alcoholic Beverages. Any establishment selling alcoholic beverages lawfully existing prior to the effective date of this resolution and licensed by the State of California for the retail sale of alcoholic beverages for on-site and off-site consumption, so long as otherwise lawful, may continue in existence, provided such establishment remains in use, as follows:

(1) In the event that any such establishment ceases to operate or discontinues operation for 30 days or longer as set forth in State law, such use shall be deemed abandoned;

(2) No establishment selling alcoholic beverages may substantially change the mode or character of operation of the establishment, nor may it expand the square footage devoted exclusively to the sale of alcoholic beverages, significantly increase the percentage of alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license within a license classification.



(c) Exception for Bona Fide Restaurant. A bona fide restaurant shall be permitted to serve alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a place which is regularly used and kept open for the service of meals to guests for compensation and which has (1) suitable kitchen facilities for the cooking of an assortment of foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3) adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are sold or dispensed for consumption on the premises only when served at tables or sit-down counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code Section 790.36.

(d) Exception for Non-Profit Theaters. A non-profit theater shall be permitted to serve alcoholic beverages in this special use district. A "non-profit theater" shall mean a building or part of a building intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such person or persons are compensated for such performance, and which is exempted from payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" does not include any dance hall as defined in Section 1060 of the San Francisco Police Code, billiard parlor, pool hall, bowling alley, or adult entertainment business as defined in Planning Code Section 790.36.

SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.

There is an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for both on-site and off-site consumption in the Haight-Ashbury neighborhood. A concentration of alcoholic beverage establishments in a neighborhood disrupts the



desired mix of land uses that contribute to a livable neighborhood and discourages more desirable and needed commercial uses in the area. A concentration of establishments selling alcoholic beverages in an area may therefore contribute to the deterioration of the neighborhood and to the concomitant devaluation of property and destruction of community values and quality of life. These effects contribute to peace, health, safety and general welfare problems in these areas, including loitering, littering, public drunkenness, driving while intoxicated, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots, and other nuisance activities. The existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single- and multiple-family areas. These impacts include fear for the safety of children, elderly residents and visitors to the area.

(a) Haight Street Alcohol Restricted Use Subdistrict Established. In order to preserve the residential character and the neighborhood-serving commercial uses of the Haight-Ashbury neighborhood, the Haight Street Alcohol Restricted Use Subdistrict (Haight Street Alcohol RUSD) is hereby established with boundaries coterminous with the Haight Street Neighborhood Commercial District as designated on Sectional Map numbers 6 and 7. The Haight Street Alcohol RUSD is designated on Section Map Numbers 6SU and 7SU.

(1) No new on-sale or off-sale liquor establishment shall be permitted in the Haight Street RUSD, except for grocery stores as defined in Section 790.102 of this Code.

(2) These controls also shall apply within 1/4-mile of the Haight Street Alcohol RUSD to nonconforming uses in R districts pursuant to Planning Code Section 186, and in NC-1 Districts, pursuant to the Special Provisions for NC-1 Districts which follows the Control Table constituting Sections 710.10 through 710.95.

(3) The prohibition on Liquor Establishments shall not be interpreted to prohibit the following:

(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or



(B) Establishment of a Liquor Establishment if application for such Liquor Establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of legislation establishing the Haight Street Alcohol RUSD.

(C) Establishment of a Liquor Establishment if: (1) such use is an eligible movie theater, (2) only beer and wine are offered for consumption, and (3) such beer and wine are: (i) only consumed on the premises and primarily in the main theater auditorium, (ii) only sold to and consumed by ticketholders and only immediately before and during performances, and (iii) only offered in conjunction with the screening of films and not as an independent element of the establishment that is unrelated to the viewing of films. For purposes of this Section, an "eligible movie theater" shall be a movie theater as defined in Code Section 790.64 that contains only a single screen and auditorium, has seating for 150 or fewer persons, and is not a formula retail use as defined in Code Section 703.3(b).

(4) Continuation of existing Prohibited Liquor Establishments. In the Haight Street Alcohol RUSD, any Prohibited Liquor Establishment may continue in accordance with Planning Code Section 180 through 186.2, subject to the following provisions. For purposes of this Section, the Haight Street Alcohol RUSD shall be considered to include, pursuant to Section 186 of this Code and to the Special Provisions for NC-1 Districts, the area within 1/4-mile of the Haight Street Alcohol RUSD as mapped.

(A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages as licensed by the State of California prior to the effective date of this legislation, or subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise lawful, may continue to operate only under the following conditions, as provided by California Business and Professions Code Section 23790:

(1) Except as provided by Subsection (B) below, the premises shall retain the same type of retail liquor license within a license classification; and



(2) Except as provided by Subsection (B) below, the licensed premises shall be operated continuously, without substantial change in mode or character of operation.

(B) A break in continuous operation shall not be interpreted to include the following, provided that the location of the establishment does not change, the square footage used for the sale of alcoholic beverages does not increase, and the type of California Department of Alcoholic Beverage Control Liquor License ("ABC License") does not change except as indicated:

(1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-owner transfer of an ABC License; or

(2) Re-establishment, restoration or repair of an existing Prohibited Liquor Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident or act of God; or

(3) Temporary closure of an existing Prohibited Liquor Establishment for not more than ninety (90) days for repair, renovation or remodeling;

(4) Re-location of an existing Prohibited Liquor Establishment in the Haight Street Alcohol RUSD to another location within the same Haight Street Alcohol RUSD with conditional use authorization from the City Planning Commission, provided that the original premises shall not be occupied by a Prohibited Liquor Establishment, unless by another Prohibited Liquor Establishment that is also relocating from within the Haight Street Alcohol RUSD.

(5) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and wine) license.

(b) Definitions:

(1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as defined by California Business and Professions Code Section 23004 and 23025, pursuant to a California Alcoholic Beverage Control Board license.



(2) An "on-sale liquor establishment" shall mean any liquor establishment which has obtained Alcoholic Beverage Control Board License type 40 (on-sale beer), type 41 (on-sale beer and wine eating place), type 42 (on-sale beer and wine public premises), type 47 (on-sale general eating place), type 48 (on-sale general-public premises) or type 57 (special on-sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale establishments may include but are not limited to bars and restaurants serving alcoholic beverages. It shall not include types 51, 52, 59, 60, 61, 67, 70 or 75.

(3) An "off-sale liquor establishment" shall mean any ~~liquor establishment which has obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) selling alcoholic beverages in an open or a closed container for consumption off the premises. Typical off-sale liquor establishments may include but are not limited to the following uses licensed to sell off-sale alcoholic beverages: food markets, supermarkets, drugstores, liquor stores, bars and convenience markets. It shall not include producers and distributor's licenses for offices or establishments not open to the general public that is defined in Section 790.55 of this Code including the limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).~~

(4) A "prohibited liquor establishment" shall mean any establishment selling alcoholic beverages lawfully existing prior to the effective date of the establishment of the Haight Street Alcohol RUSSD and licensed by the State of California for the retail sale of alcoholic beverages for on or off-site consumption, so long as otherwise lawful.

Section 6. The San Francisco Planning Code is hereby amended by amending Sections 782 and 783, to read as follows:

SEC. 782. THIRD STREET ALCOHOL RESTRICTED USE DISTRICT ESTABLISHED.

There is an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for both on-site and off-site consumption in the Bayview area. The existence



of this many alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems in the area, including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single- and multiple-family areas, including fear for the safety of children, elderly residents and of visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages and the associated problems discourage more desirable and needed commercial uses in the area.

(a) In order to preserve the residential character and the neighborhood-serving commercial uses of the area, the Third Street Alcohol Restricted Use District (Third Street Alcohol RUD) is hereby established for the property in the area generally bounded by Islais Creek to the North, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall Street, Venus Street and Egbert Avenue to the West, US Highway 101 to the South, and Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls Street to the East, as designated on Sectional Map numbers 8 and 10. The Third Street Alcohol RUD is designated on Section Map Numbers 8SU and 10SU.

(1) No new on-sale or off-sale liquor establishment shall be permitted in the Third Street Alcohol RUD, ~~except for grocery stores as defined in Section 790.102 of this Code.~~

(2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the following:

(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

(B) Establishment of a Liquor Establishment if application for such Liquor Establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of legislation establishing the Third Street Alcohol RUD.



(3) Continuation of existing Prohibited Liquor Establishments. In the Third Street Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning Code Section 180 through 186.2, subject to the following provisions.

(A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages as licensed by the State of California prior to the effective date of this legislation, or subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise lawful, may continue to operate only under the following conditions, as provided by California Business and Professions Code Section 23790:

(1) Except as provided by Subsection (B) below, the premises shall retain the same type of retail liquor license within a license classification; and

(2) Except as provided by Subsection (B) below, the licensed premises shall be operated continuously, without substantial change in mode or character of operation.

(B) A break in continuous operation shall not be interpreted to include the following, provided that the location of the establishment does not change, the square footage used for the sale of alcoholic beverages does not increase, and the type of California Department of Alcoholic Beverage Control Liquor License ("ABC" License) does not change except as indicated:

(1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-owner transfer of an ABC License;

(2) Re-establishment, restoration or repair of an existing Prohibited Liquor Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident or act of God; or

(3) Temporary closure of an existing Prohibited Liquor Establishment for not more than ninety (90) days for repair, renovation or remodeling;

(4) Re-location of an existing Prohibited Liquor Establishment in the Third Street Alcohol RUD to another location within the same Third Street Alcohol RUD with conditional use



1 authorization from the City Planning Commission, provided that the original premises shall not be
2 occupied by a Prohibited Liquor Establishment, unless by another Prohibited Liquor Establishment that
3 is also relocating from within the Third Street Alcohol RUD.

4 (5) A change from a Type 21 (off-sale) to a Type 20 (off-sale beer and wine) license or
5 a change from any Alcohol Beverage Control Board License type to a Type 41 (on-sale beer and wine-
6 -eating place).

7 (b) The following shall apply to all liquor establishments in the Third Street Alcohol RUD in
8 order to maintain the safety of the premises and vicinity:

9 (1) Liquor establishments shall provide outside lighting in a manner sufficient to
10 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without
11 disturbing area residences;

12 (2) No more than 33 percent of the square footage of the windows and clear doors of
13 Liquor establishments shall bear advertising or signage of any sort, and all advertising and signage
14 shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear
15 and unobstructed view of the interior of the premises, including the area in which the cash registers
16 are maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall
17 not apply to premises where there are no windows, or where existing windows are located at a height
18 that precludes a view of the interior of the premises to a person standing outside the premises.

19 (c) Definitions.

20 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as
21 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a
22 California Alcoholic Beverage Control Board license.

23 (2) An "on-sale liquor establishment" shall mean any liquor establishment which has
24 obtained Alcoholic Beverage Control Board license type 40 (on-sale beer), type 42 (on-sale beer and
25 wine public premises), type 48 (on-sale general-public premises) or type 57 (special on-sale general)



selling alcoholic beverages for consumption on the premises. Typical on-sale establishments may include but are not limited to bars serving alcoholic beverages. It shall not include types 41, 47, 51, 52, 59, 60, 61, 67, 70 or 75.

(3) An "off-sale liquor establishment" shall mean *liquor any establishment which has obtained Alcoholic Beverage Control Board license type 20 (off-sale beer and wine) or type 21 (off-sale general) selling alcoholic beverages in an open or closed container for consumption off the premises. Typical off-sale liquor establishments may include but are not limited to the following uses licensed to sell off-sale alcoholic beverages: food markets, supermarkets, drugstores, liquor stores, bars and convenience markets. It shall not include producers and distributor's licenses for offices or establishments not open to the general public that is defined in Section 790.55 of this Code including the limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).*

(4) A "prohibited liquor establishment" shall mean any establishment selling alcoholic beverages lawfully existing prior to the effective date of the establishment of the Third Street Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages for on- or off-site consumption, so long as otherwise lawful.

SEC. 783. DIVISADERO STREET ALCOHOL RESTRICTED USE DISTRICT ESTABLISHED.

There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off-site consumption in the Small-Scale Neighborhood Commercial District along Divisadero Street between Haight and Geary Streets. The existence of this many alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single- and multiple-family areas,



including fear for the safety of children, elderly residents and of visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages and the associated problems discourage more desirable and needed commercial uses in the area.

(a) In order to preserve the residential character and the neighborhood-serving commercial uses of the area, the Divisadero Street Alcohol Restricted Use District (Divisadero Street Alcohol RUD) is hereby established for the properties in the Small-Scale Neighborhood Commercial District along Divisadero Street between Haight and Geary Streets, as designated on Sectional Map numbers 2 and 7. The Divisadero Street Alcohol RUD is designated on Sectional Map Numbers 2SU and 8SU.

(1) No new off-sale liquor establishments shall be permitted in the Divisadero Street Alcohol RUD, ~~except for grocery stores as defined in Section 790.102 of this Code,~~

(2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the following:

(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

(B) Establishment of a Liquor Establishment if an application for such Liquor Establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of legislation establishing the Divisadero Street Alcohol RUD.

(C) Re-location of an existing liquor establishment from outside the Divisadero Street Alcohol RUD to a location within the Divisadero Street Alcohol RUD if that liquor establishment received conditional use authorization from the City Planning Commission prior to the effective date of this legislation.

(3) Continuation of Existing Prohibited Liquor Establishments. In the Divisadero Street Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning Code Section 180 through 186.2, subject to the following provisions:



1 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages
2 as licensed by the State of California prior to the effective date of this legislation, or subsequent
3 legislation prohibiting that type of Liquor Establishment, so long as otherwise lawful, may continue to
4 operate only under the following conditions, as provided by California Business and Professions Code
5 Section 23790;

6 (1) Except as provided by Subsection (B) below, the premises shall retain the same
7 type of retail liquor license within a license classification; and

8 (2) Except as provided by Subsection (B) below, the licensed premises shall be
9 operated continuously, without substantial change in mode or character of operation.

10 (B) A break in continuous operation shall not be interpreted to include the following,
11 provided that the location of the establishment does not change, the square footage used for the sale
12 of alcoholic beverages does not increase, and the type of California Department of Alcoholic Beverage
13 Control Liquor License ("ABC License") does not change except as indicated:

14 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-owner
15 transfer of an ABC License; or

16 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor
17 Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection,
18 toxic accident or act of God; or

19 (3) Temporary closure of an existing Prohibited Liquor Establishment for not more than
20 ninety (90) days for repair, renovation or remodeling;

21 (4) Re-location of an existing Prohibited Liquor Establishment in the Divisadero Street
22 Alcohol RUD to another location within the same Divisadero Street Alcohol RUD with conditional use
23 authorization from the City Planning Commission, provided that the original premises shall not be
24 occupied by a Prohibited Liquor Establishment, unless by another Prohibited Liquor Establishment that
25 is also relocating from with the Divisadero Street Alcohol RUD.



1 (b) The following shall apply to all liquor establishments in the Divisadero Street Alcohol RUD
2 in order to maintain the safety of the premises and vicinity:

3 (1) Liquor establishments shall provide outside lighting in a manner sufficient to
4 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without
5 disturbing area residences;

6 (2) No more than 33 percent of the square footage of the windows and clear doors of
7 Liquor establishments shall bear advertising or signage of any sort, and all advertising and signage
8 shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear
9 and unobstructed view of the interior of the premises, including the area in which the cash registers
10 are maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall
11 not apply to premises where there are no windows, or where existing windows are located at a height
12 that precludes a view of the interior of the premises to a person standing outside the premises.

13 (c) Definitions:

14 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as
15 defined by California Business and Professions Code Section 23004 and 23025, pursuant to a
16 California Alcoholic Beverage Control Board license.

17 (2) An "off-sale liquor establishment" shall mean any ~~liquor establishment which has~~
18 ~~obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-~~
19 ~~sale general) selling alcoholic beverages in an open or a closed container for consumption off the~~
20 ~~premises. Typical off-sale liquor establishments may include but are not limited to the following uses~~
21 ~~licensed to sell off-sale alcoholic beverages: food markets, supermarkets, drugstores, liquor stores,~~
22 ~~bars and convenience markets. It shall not include producers and distributor's licenses for offices or~~
23 ~~establishments not open to the general public that is defined in Section 790.55 of this Code including~~
24 ~~the limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).~~
25



(3) A "prohibited liquor establishment" shall mean any establishment selling alcoholic beverages lawfully existing prior to the effective date of the establishment of the Divisadero Street Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages for off-site consumption, so long as otherwise lawful.

SEC. 784. LOWER HAIGHT STREET ALCOHOL RESTRICTED USE DISTRICT

(a) Findings. There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off-site consumption in the Neighborhood Commercial Cluster Districts located generally along Haight Street at Scott Street and generally along Haight Street at Pierce Street and in the Small-Scale Neighborhood Commercial District located generally along Haight Street at and between Steiner and Webster Streets. The existence of this many off-sale alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety, and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety, and welfare of residents of nearby single- and multiple-family areas, including fear for the safety of children, elderly residents and visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages for off-site consumption and the associated problems discourage more desirable and needed commercial uses in the area.

(b) Establishment of the Lower Haight Street Alcohol Restricted Use District. In order to preserve the residential character and the neighborhood-serving commercial uses of the area, the Lower Haight Street Alcohol Restricted Use District (Lower Haight Street Alcohol RUD) is hereby established for the following:



(1) Properties in the Neighborhood Commercial Cluster District located generally along Haight Street at Scott Street;

(2) Properties in the Neighborhood Commercial Cluster District located generally along Haight Street at Pierce Street;

(3) Properties in the Small-Scale Neighborhood Commercial District located generally along Haight Street at and between Steiner and Webster Streets.

The above Neighborhood Commercial Cluster Districts and Small-Scale Neighborhood Commercial District are designated on Sectional Map Number 7 of the Zoning Map of the City and County of San Francisco. Block and lot numbers for the properties included in these districts are on file with the Clerk of the Board of Supervisors in File No. 060537 and are incorporated herein by reference. The Lower Haight Street Alcohol RUD is designated on Sectional Map Number 7SU of the Zoning Map of the City and County of San Francisco.

(1) No new off-sale liquor establishments ~~selling alcoholic beverages for off-site consumption~~ shall be permitted in the Lower Haight Street Alcohol RUD, ~~except for grocery stores as defined in Section 790.102 of this Code.~~

(2) The prohibition on off-sale liquor establishments shall not be interpreted to prohibit the following:

(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

(B) Establishment of an off-sale liquor establishment if an application for such liquor establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of this ordinance establishing the Lower Haight Street Alcohol RUD.

(3) Continuation of Existing Prohibited Liquor Establishments. In the Lower Haight Street Alcohol RUD, any prohibited liquor establishment may continue in accordance with Planning Code section 180 through 186.2, subject to the following provisions:



1 (A) A prohibited liquor establishment lawfully existing and selling alcoholic
2 beverages as licensed by the State of California prior to the effective date of this legislation, or
3 subsequent legislation prohibiting that type of liquor establishment, so long as otherwise
4 lawful, may continue to operate only under the following conditions, as provided by California
5 Business and Professions Code Section 23790:

6 (i) Except as provided in subsection (B) below, the premises shall retain the
7 same type of retail liquor license within a license classification; and

8 (ii) Except as provided in subsection (B) below, the liquor establishment shall
9 be operated continuously, without substantial changes in mode or character of operation.

10 (B) A break in continuous operation shall not be interpreted to include the
11 following, provided that, except as indicated below, the location of the establishment does not
12 change, the square footage used for the sale of alcoholic beverages does not increase, and
13 the type of California Department of Alcoholic Beverage Control Liquor License ("ABC
14 License") does not change:

15 (i) A change in ownership of a prohibited liquor establishment or an owner-to-
16 owner transfer of an ABC License;

17 (ii) Temporary closure for restoration or repair of an existing prohibited liquor
18 establishment on the same lot after total or partial destruction or damage due to fire, riot,
19 insurrection, toxic accident, or act of God;

20 (iii) Temporary closure of an existing prohibited liquor establishment for
21 reasons other than total or partial destruction or damage due to fire, riot, insurrection, toxic
22 accident, or act of God for not more than thirty (30) days for repair, renovation, or remodeling;
23 or

24 (iv) Relocation of an existing prohibited liquor establishment in the Lower
25 Haight Street Alcohol RUD to another location within the same Lower Haight Street Alcohol



RUD with conditional use authorization from the Planning Commission, provided that the original premises shall not be occupied by a prohibited liquor establishment, unless by another prohibited liquor establishment that is also relocating from within the Lower Haight Street Alcohol RUD.

(c) Definitions: The following definitions shall apply to this Section 784.

(1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as defined in California Business and Professions Code Sections 23004 and 23025, pursuant to an ABC License. An "off-sale liquor establishment" shall mean any establishment that is defined in Section 790.55 of this Code including the limitations on sale of specified beverages set forth in Section 249.5(d)(7)(B).

(2) A "prohibited liquor establishment" shall mean any establishment selling alcoholic beverages lawfully existing prior to the effective date of this ordinance and licensed by the State of California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so long as otherwise lawful.

(d) Sunset Provision. This Section 784 shall be repealed three years after its initial effective date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

SEC. 790.102. SALES AND SERVICES, OTHER RETAIL.

A retail use which provides goods and/or services but is not listed as a separate zoning category in zoning category numbers .41 through .63 listed in Article 7 of this Code, including, but not limited to, sale or provision of the following goods and services:

(a) General groceries. As used herein, general groceries means:

(1) An individual retail food establishment that:

(A) Exceeds 5,000 gross square feet;



1 (B) Offers a diverse variety of unrelated, non-complementary food and non-
2 food commodities, such as ~~non-alcoholic~~ beverages, dairy, dry goods, fresh produce and
3 other perishable items, frozen foods, household products, and paper goods;

4 (C) Prepares minor amounts or no food on-site for immediate consumption;
5 and

6 (D) Markets the majority of its merchandise at retail prices.

7 (b) Specialty groceries such as cheese, confections, coffee, meat, produce;

8 (c) Pharmaceutical drugs and personal toiletries;

9 (d) Personal items such as tobacco and magazines;

10 (e) Self-service laundromats and dry cleaning, where no portion of a building occupied
11 by such use shall have any opening other than fixed windows and exits required by law within
12 50 feet of any R District;

13 (f) Household goods and service (including paint, fixtures and hardware, but excluding
14 other building materials);

15 (g) Variety merchandise;

16 (h) Florists and plant stores;

17 (i) Apparel and accessories;

18 (j) Antiques, art galleries and framing service;

19 (k) Home furnishings, furniture and appliances;

20 (l) Books, stationery, music and sporting goods;

21 (m) Toys, gifts, and photographic goods and services; and

22 (n) Retail coffee stores. As used herein, retail coffee store means:

23 (1) A retail drinking use which provides ready-to-drink coffee and/or other
24 nonalcoholic beverages for consumption on or off the premises, which may or may not
25 provide seating. Its intended design is not to serve prepared ready-to-eat food for









City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 070617

Date Passed:

Ordinance amending Planning Code Sections 790.55, 790.102, 249.5, 781.8, 781.9, 782, 783, and 784 to remove grocery stores and other similar uses from prohibitions placed on the establishment of liquor stores in certain districts; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi,
Peskin, Sandoval

Noes: 1 - Daly

Absent: 1 - McGoldrick

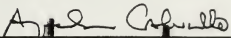
November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 070617

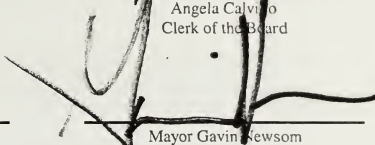
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 6,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

11/14/2007

Date Approved



Mayor Gavin Newsom



FILE NO. 071290

ORDINANCE NO.

261-07

[Filing of Mass Mailings Paid for with Independent Expenditures.]

Ordinance amending the Campaign and Governmental Conduct Code by amending section 1.161 and repealing section 1.162 to require persons making independent expenditures to pay for mass mailings that support or oppose candidates for City elective office to file those mailings and itemizations of costs with the Ethics Commission, and renumbering section 1.162.5.

Note: Additions are single-underline italics Times New Roman;
 deletions are ~~striketrough italics Times New Roman~~.
 Board amendment additions are double underlined.
 Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby amended by amending section 1.161, to read as follows:

SEC. 1.161. DISCLOSURE AND FILING REQUIREMENTS FOR MASS MAILINGS.

(a) DISCLOSURE-MASS MAILINGS BY CANDIDATES.

(1) Disclosure. In addition to the requirements set forth in California Government Code Section 84305, each mass mailing paid for by a candidate for City elective office with funds raised for the candidate's campaign shall include on the outside of each piece of mail in the mass mailing the following statement in not less than 14 point type and in a color or print which contrasts with the background so as to be easily legible: "paid for by _____ (insert candidate's name and street address)." A post office box may be stated in lieu of a street address if the candidate's address is a matter of public record with the San Francisco Ethics Commission.

(b) ~~FILING.~~

(2) Filing.

Supervisor Daly
 BOARD OF SUPERVISORS

Page 1
 10/31/2007



1 (4i) Each candidate for City elective office who pays for a mass mailing shall,
2 within five working days after the date of the mailing, file two of the original pieces of the
3 mailing with the San Francisco Ethics Commission.

4 (2ii) Each candidate for City elective office who pays for a mass mailing shall,
5 within five working days after the date of the mailing, file an itemized disclosure statement with
6 the San Francisco Ethics Commission for that mailing.

7 (3iii) ~~Each~~ A candidate for City elective office *who pays for a mass mailing* shall
8 file the original pieces of mail and the itemized disclosure statement required by subsections
9 ~~(b)(1) and (b)(2)~~ (a)(2)(i) and (a)(2)(ii) within 48 hours of the date of the mailing if the date of the
10 mailing occurs within the final 16 days before the election.

11 (4iv) Every original filed pursuant to this subsection shall be clearly legible.

12 (b) MASS MAILINGS BY PERSONS OTHER THAN CANDIDATES.

13 (1) Disclosure. Any person who makes independent expenditures for a mass mailing
14 which supports or opposes any candidate for City elective office shall place the following statement on
15 the mailing in typeface no smaller than 14 points:

16 Notice to Voters

17 (Required by City and County of San Francisco)

18 This mailing is not authorized or approved by

19 any candidate for City and County office

20 or by any election official. It is paid for by

21 [name and committee identification number].

22 [address, city, state].

23 Total Cost of this mailing is [amount].

24 (2) Filing.



1 (i) Each person who makes independent expenditures of \$51,000.00 or more for a mass
2 mailing which supports or opposes any candidate for City elective office shall, within five working days
3 after the date of the mailing, file two of the original pieces of the mailing with the San Francisco Ethics
4 Commission.

5 (ii) Each person described in subsection (b)(2)(i) shall, within five working days after
6 the date of the mailing, file an itemized disclosure statement with the San Francisco Ethics Commission
7 for that mailing.

8 (iii) Each person described in subsection (b)(2)(i) shall file the original pieces of mail
9 and the itemized disclosure statement required by subsections (b)(2)(i) and (b)(2)(ii) within 48 hours of
10 the date of the mailing if the date of the mailing occurs within the final 16 days before the election.

11 (iv) Every original filed pursuant to this subsection shall be clearly legible.

12 (c) DEFINITIONS.

13 (1) For the purposes of this Section, "Itemized disclosure statement" shall mean a
14 detailed description of the separate costs associated with a mass mailing, including but not
15 limited to photography, design, production, printing, distribution and postage. Each cost shall
16 be disclosed on a form promulgated by the San Francisco Ethics Commission in a manner
17 that demonstrates each separate charge or payment for each mass mailing.

18 (2) For the purposes of this Section, "Mass mailing" shall be defined as set forth in the
19 California Political Reform Act (Government Code Section 81000 et seq.), provided that the
20 ~~mass mailing is paid for by a candidate for City elective office with funds raised for the candidate's~~
21 ~~campaign, and that the mass mailing advocates for or against one or more~~ candidates for City
22 elective office.

23 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
24 amended by repealing section 1.162, to read as follows:



~~SEC. 1162. INDEPENDENT EXPENDITURES FOR MASS MAILINGS.~~

Any person who makes independent expenditures for a mass mailing which support or oppose any candidate for City elective office shall place the following statement on the mailing in typeface no smaller than 14 points:

Notice to Voters

~~(Required by City and County of San Francisco)~~

~~This mailing is not authorized or approved by~~

~~any candidate for City and County office~~

~~or by any election official. It is paid for by~~

~~(name and committee identification number).~~

~~(address, city, state).~~

~~Total cost of this mailing is (amount).~~

Section 3. The San Francisco Campaign and Governmental Conduct Code is hereby
amended by amending section 1.162.5, to read as follows:

SEC. 1.162.5. DISCLOSURE REQUIREMENTS--CAMPAIGN ADVERTISEMENTS.

(a) Disclosure. Any campaign advertisement that urges support for or opposition to one or more candidates for City elective office shall include a disclosure statement identifying the person who paid for the advertisement. Such disclosure statement shall, at a minimum, contain the following words, "paid for by _____ (insert the name of the person who paid for the communication)" and appear at least once on the advertisement.

(1) Any disclosure statement required by this section to be in printed form shall be printed in a type and color so as to be easily legible to the intended public. Such disclosure statement shall be printed in at least 14-point type and in a color or print that contrasts with the background so as to be easily legible to the intended public.



1 (2) Any disclosure statement required by this section to be in spoken form shall be
2 spoken at the same volume and speed as the rest of the communication so as to be clearly
3 audible and understood by the intended public and otherwise appropriately conveyed for the
4 hearing impaired.

5 (b) Definitions. For the purposes of this Section, the term "campaign advertisement"
6 means:

7 (1) Programming received by a television or radio;

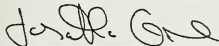
8 (2) A communication placed in a newspaper, periodical or magazine of general
9 circulation;

10 (3) Posters, door hangers, and yard signs produced in quantities of 200 or more; and

11 (4) A billboard.

12
13
14 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

15 By:



16 JONATHAN GIVNER
17 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 071290

Date Passed:

Ordinance amending the Campaign and Governmental Conduct Code by amending Section 1.161 and repealing Section 1.162 to require persons making independent expenditures to pay for mass mailings that support or oppose candidates for City elective office to file those mailings and itemizations of costs with the Ethics Commission, and renumbering Section 1.162.5.

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 13, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 071290

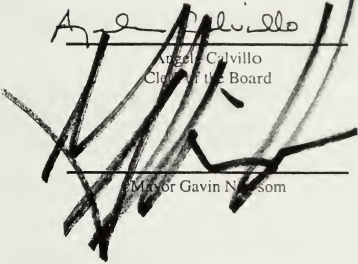
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 13,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angel Calvillo
Clerk of the Board

11-14-07

Date Approved



Mayor Gavin Newsom



[Landmark Tree Designation of Coast Live Oak tree at 4124 23rd Street.]

Ordinance designating the Coast Live Oak tree at 4124 23rd Street (Assessor's Block 2803, Lot 3) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined
Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Public Works Code Section 810 establishes a procedure for the nomination, designation, and removal of landmark trees.

(b) The property owners, Robert and Susan Call, filed a San Francisco Urban Forestry Council Nomination form for landmark tree status for the Coast Live Oak tree (*Quercus agrifolia*) on their property at 4124 – 23rd Street (Assessor's Block 2803, Lot 3) on August 8, 2007.

(c) Neighborhood residents have expressed support for this tree.

(d) On August 14, 2007, after a duly noticed public hearing, the Urban Forestry Council adopted Resolution No. 010-07 recommending that the Board of Supervisors designate this tree for landmark status based on the abovementioned landmark tree designation criteria. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 071254 and is incorporated herein by reference.



1 (e) The Urban Forestry Council determined that this tree qualifies as a landmark tree
2 based on the criteria set forth below and as further delineated in the City's landmark tree
3 designation criteria:

- 4 (1) Rare: The tree is uncommon in San Francisco.
- 5 (2) Size: The tree is notably large for a tree of its species in San Francisco
6 and has a majestic canopy.
- 7 (3) Historical Association: As a tree species native to San Francisco, the tree
8 has natural historical value.
- 9 (4) Important Wildlife Habitat: As a tree species native to San Francisco, it is
10 important for wildlife habitat.
- 11 (5) Character Defining Form: The tree has character-defining form and is a
12 fine example of the species.
- 13 (6) Tree Condition: The tree is in good condition.
- 14 (7) Prominent Landscape Feature: The tree is visible from several
15 viewpoints, near (e.g. the nearest corner at 23rd Street and Castro) and
16 far (from Twin Peaks)
- 17 (8) Neighborhood Appreciation: A neighborhood petition of support for
18 landmarking the tree was signed with 27 signatures.

19 (f) The Board of Supervisors adopts as its own the findings of the Urban Forestry
20 Council in regard to this tree.

21 Section 2. Landmark Tree Designation.

22 (a) Based on the above mentioned findings, the Board of Supervisors designates the
23 Coast Live Oak tree (*Quercus agrifolia*), a tree located at 4124 – 23rd Street (Assessor's
24 Block 2803, Lot 3), as a landmark tree.

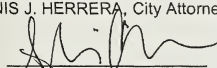
25



1 (b) The Board of Supervisors directs the Department of Public Works to record the
2 landmark designation of this tree on the property record of 4124 – 23rd Street and list the tree
3 in the Department's Official Book of Landmark Trees.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:

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9 Alicia Cabrera
10 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071254

Date Passed:

Ordinance designating the Coast Live Oak tree at 4124 23rd Street (Assessor's Block 2803, Lot 3) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

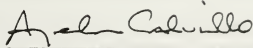
November 13, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

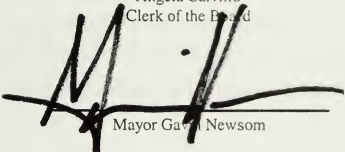


File No. 071254

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 13,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board


11.14.07

Date Approved

Mayor Gavin Newsom



[Street encroachment on Linden Street between Gough Street and Octavia Boulevard.]

Ordinance granting revocable permission to 300 Linden LLC to occupy the public right-of-way to construct street encroachment improvements on a portion of Linden Street, an unaccepted public right-of-way, between Gough and Octavia Boulevard, including new landscaping, raised stamped and colored asphalt paving, ADA approved detectable warning material, raised planters and granite curbstones for seating; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. (a) Pursuant to Public Works Code Section 786, Winslow Architecture on behalf of 300 Linden LLC, requested permission to occupy a portion of the public right-of-way to construct improvements on Linden Street, an unaccepted public right-of-way, between Gough Street and Octavia Boulevard, including new landscaping, raised stamped and colored asphalt paving, ADA approved detectable warning material, raised planters and granite curbstones for seating. The encroachment and related improvements are shown on plans filed with the Department of Public Works. Copies of such plans are on file with the Clerk of the Board of Supervisors in File No. 071432.

Section 2. Departmental Approvals and Conditions.

1 (a) The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), at
2 its meeting of May 24, 2007, recommended the proposed encroachment for approval.

3 (b) The Planning Department by letter dated September 27, 2006, found the proposal,
4 on balance, to be in conformity with the General Plan, and priority policies of Planning Code
5 Section 101.1. This letter also includes a determination relating to the encroachment
6 pursuant to the California Environmental Quality Act (California Public Resources Code
7 sections 21000 et seq.). A copy of said letter is on file with the Clerk of the Board of
8 Supervisors in File No. 071432, and is incorporated herein by reference.

9 (c) After duly noticed public hearing on September 5, 2007, the Department of Public
10 Works recommended approval of the proposed encroachment subject to the following:

11 (1) The permit and associated street encroachment agreement, which are
12 incorporated herein by reference and are on file with the Clerk of the Board of Supervisors in
13 File No. 071432, shall not become effective until:

14 (i) The Permittee executes and acknowledges the permit and delivers
15 said permit to the City's Controller;

16 (ii) Permittee delivers to the City Controller a policy of insurance provided
17 for in said agreement and the Controller shall have had approved the same as complying with
18 the requirement of said agreement. The Controller may, in his discretion, accept, in lieu of
19 said insurance policy, the certificate of an insurance company certifying to the existence of
20 such a policy; and,

21 (iii) The Department of Public Works records the permit and associated
22 agreement in the office of the County Recorder.

23 (2) The Permittee, at the Permittee's sole expense and as is necessary as a
24 result of this permit, shall make the following arrangements:



1 (i) To provide for the support and protection of facilities belonging to the
2 Department of Public Works, San Francisco Water Department, the San Francisco Fire
3 Department and other City Departments, and public utility companies;

4 (ii) To provide access to such facilities to allow said entities to construct,
5 reconstruct, maintain, operate, or repair such facilities; and,

6 (iii) To remove or relocate such facilities if installation of the
7 encroachment requires said removal or relocation and to make all necessary arrangements
8 with the owners of such facilities, including payment for all their costs, should said removal or
9 relocation be required.

10 (3) The Permittee shall procure the necessary permits from the Central Permit
11 Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,
12 Department of Public Works, and pay the necessary permit fees and inspection fees before
13 starting work.

14 (4) No structure shall be erected or constructed within said street right-of-way
15 except as specifically permitted herein.

16 (5) The Permittee shall assume all costs for the maintenance and repair of the
17 encroachments and no cost or obligation of any kind shall accrue to the City and County of
18 San Francisco by reason of this permission granted.

19 Section 3. Board of Supervisors Approval.

20 (a) Pursuant to Public Works Code Section 786, the Board of Supervisors hereby
21 grants revocable permission to 300 Linden LLC, to occupy a portion of the Linden Street
22 public right-of-way between Gough Street and Octavia Boulevard to construct improvements,
23 including new landscaping, raised stamped and colored asphalt paving, ADA approved
24 detectable warning material, raised planters, and granite curbstones for seating subject to the
25 conditions set forth herein.

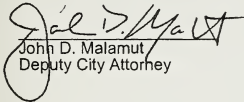


1 (b) That the Board adopts as its own the findings of consistency with the General Plan
2 and Planning Code Section 101.1 as set forth in the Planning Department letter dated
3 September 27, 2006, and affirms the environmental determination contained in said letter.

4 (c) The Board finds and determines that this encroachment will benefit the citizens of
5 San Francisco and its visitors because of the aesthetic improvements provided to this area.
6 Therefore, notwithstanding Public Works Code Section 786, the Board finds that a benefit will
7 accrue to the public from this proposed encroachment and hereby waives the public right-of-
8 way occupancy assessment fee as set forth in Public Works Code Section 786.7.

9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11 By:

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13 John D. Malamut
14 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 071432

Date Passed:

Ordinance granting revocable permission to 300 Linden LLC to occupy the public right-of-way to construct street encroachment improvements on a portion of Linden Street, an unaccepted public right-of-way, between Gough and Octavia Boulevard, including new landscaping, raised stamped and colored asphalt paving, ADA approved detectable warning material, raised planters and granite curbstones for seating; waiving right-of-way occupancy assessment fees; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

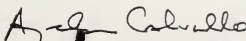
November 13, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

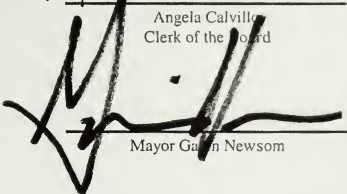


File No. 071432

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 13,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board


11.14.07

Date Approved

Mayor Gavin Newsom



[Zoning – modifying the definition of liquor store to remove prohibitions on grocery stores and similar uses.]

Ordinance amending Planning Code by amending Section 790.55 to further define grocery stores.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~striketrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Planning Code is hereby amended by amending Section 790.55, to read as follows:

SEC. 790.55. LIQUOR STORE.

A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed container for consumption off the premises and which needs a State of California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general).

This classification shall not include retail uses that (1) are classified as a general grocery store use as set forth in Section 790.102(a) or (2) have both (a) a use size as defined in Section 790.130 of this Code of greater than 10,000 gross square feet and (b) a gross floor area devoted to alcoholic beverages that is within accessory use limits as set forth in Section 240.2 204.2 or 703.2(b)(1)(c) of this Code, depending on the zoning district in which the use is located. For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, 783, and 784, the retail uses explicitly exempted from this definition as set forth above shall not:

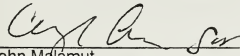
(a) sell any malt beverage with an alcohol content greater than 5.7% by volume; any wine with an alcohol content of greater than 15% by volume, except for "dinner wines" that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 ml;



1 (b) devote more than 15% of the gross square footage of the establishment to the
2 display and sale of alcoholic beverages; and
3 (c) sell single servings of beer in container sizes 24 oz. or smaller.
4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 John Malamut
9 Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071532

Date Passed:

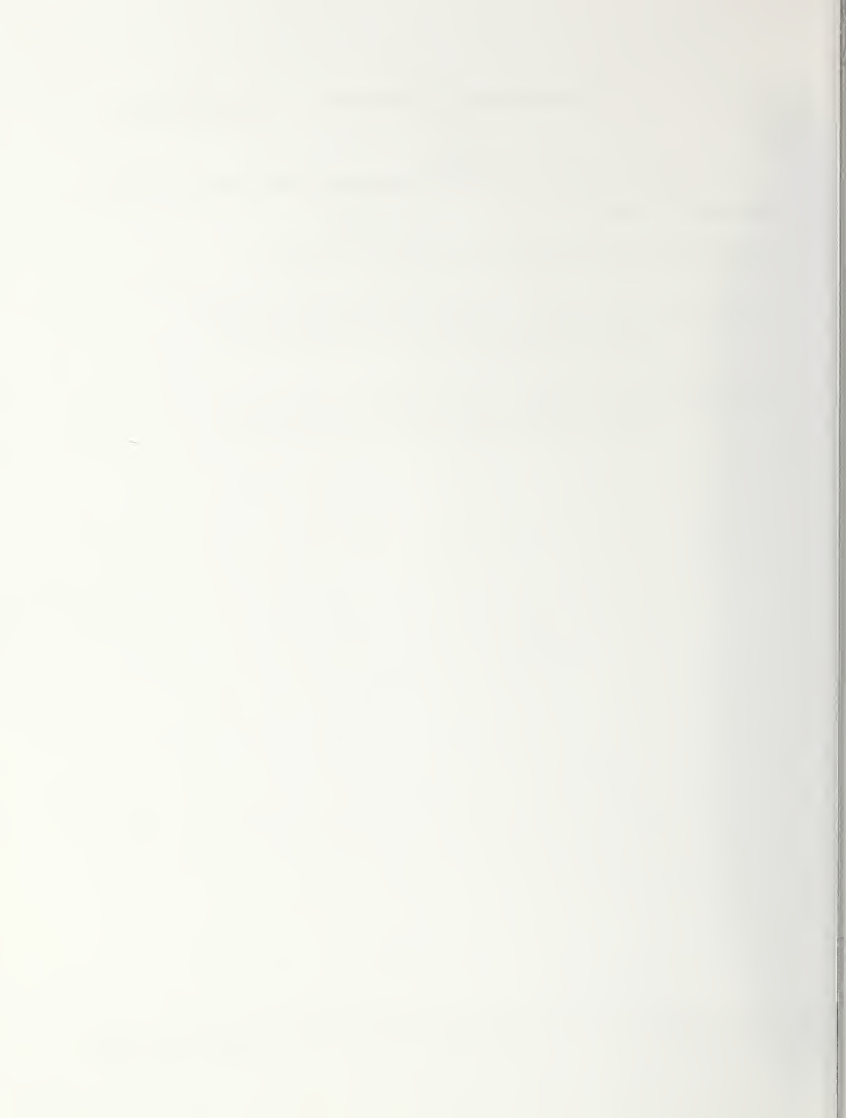
Ordinance amending Planning Code Sections 790.55 to further define grocery stores.

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

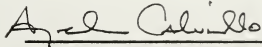
November 13, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 071532

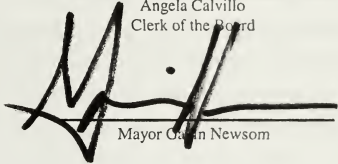
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 13,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

11-14-07

Date Approved



Mayor Gavin Newsom



265-07

FILE NO. 071369

ORDINANCE NO.

[Sweatfree Contracting Ordinance Amendments.]

Ordinance amending Sections 12U.2, 12U.3, and 12U.9 of the Administrative Code, and adding Section 12U.9.5, to (1) provide a system for awarding contracts to a bidder or proposer most substantially in compliance, but not in full compliance, with the Sweatfree Contracting Ordinance, when no bids or proposals are in full compliance, but only where such awards would not increase the cost of the contract by more than fifteen percent; and (2) make other changes in the Sweatfree Contracting Ordinance, including ~~revising and simplifying the monetary threshold triggering coverage of certain subcontracts~~; relaxing the ban on mandatory overtime; referencing retirement benefits in calculation of wages; and relaxing the requirement for contractors' providing information as to amounts to be paid to subcontractors by providing that amounts be reported within a monetary range rather than as an exact dollar figure.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~striketrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Sections 12U.2 and 12U.3, to read as follows:

SEC. 12U.2. DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply to the terms used herein.

(a) "Abusive Forms of Child Labor" shall mean the following: work performed by a person under the age of 18 when the person does not voluntarily seek the work or the person



1 is threatened by the person's employer with physical, mental or emotional harm for
2 nonperformance; (2) work performed by a person under the age of 18 in violation of any
3 applicable law of the country of manufacture or assembly governing the minimum age of
4 employment, compulsory education, or occupational health and safety; or (3) the use of a
5 person under the age of 18 for illegal activities, including but not limited to the production or
6 trafficking of illicit drugs or for prostitution.

7 (b) "Contract" shall mean an agreement for Goods for an amount greater than
8 \$25,000 and having a term in excess of three months to be purchased or provided at the
9 expense of the City and County or to be paid out of moneys deposited in the treasury or out of
10 trust moneys under the control of or collected by the City and County. "Contract" shall also
11 mean any amendment to a contract entered into after the effective date of this Chapter that
12 causes the amount of the contract to exceed \$25,000 or causes the term to exceed three
13 months.

14 (c) "Contractor" shall mean any person or persons, association, cooperative, firm,
15 partnership, corporation, company, venture, trustee, trustee in bankruptcy, receiver, or
16 combination thereof who enters into a Contract with the City and County.

17 (d) "Director" shall mean the Director of the Office of Contract Administration.

18 (e) "Foreign Convict or Forced Labor" shall mean any form of labor used to produce
19 or manufacture goods prohibited from importation into the United States under 19 U.S. C. §
20 1307, which includes Abusive Forms of Child Labor and Slave Labor.

21 (f) "Good" shall mean any good, including without limitation, any material, supply,
22 or equipment.

23 (g) "Slave Labor" shall mean any form of slavery, sale and trafficking of persons,
24 debt bondage, indentured servitude, serfdom, or forced or compulsory labor.



1 (h) "Subcontract" shall mean any subcontract agreement or arrangement directly
2 with a Contractor for any work under a Contract (first tier subcontract) and shall mean any
3 subcontract agreement or arrangement between subcontractors, at any tier, except for any
4 agreement or arrangement between subcontractors if the amount of the agreement or
5 arrangement is less than ~~the lesser of (1) 10 percent of the amount of the higher tier subcontractor's~~
6 ~~work; or (2) \$25,000~~ \$20,000 the lesser of (1) 10 percent of the amount of the higher tier
7 subcontractor's work; or (2) \$25,000. "Subcontract" also shall mean any subcontract
8 agreement or arrangement that any Contractor or Subcontractor creates by dividing work into
9 smaller increments for award to any subcontracting entity created for the purpose of awarding
10 a subcontract that is not subject to this Chapter on the basis that it fails to meet ~~either of either~~
11 of the monetary threshold ~~ss~~ of \$20,000 for a Subcontract set ~~above~~ above in this subsection
12 (h).

13 (i) "Subcontractor" shall mean any person or persons, association, cooperative,
14 firm, partnership, corporation, trustee, trustee in bankruptcy, receiver, or combination thereof
15 including without limitation any subcontractor, entering into a Subcontract.

16 (j) "Sweatshop Labor" shall mean work performed by any Worker under terms or
17 conditions that seriously or repeatedly violate laws of the jurisdiction within which the work is
18 performed governing: (i) wages; (ii) employee benefits; (iii) health and safety, including without
19 limitation exposure to hazardous or toxic substances; (iv) labor, including without limitation
20 collective bargaining rights; (v) environmental conditions; (vi) nondiscrimination, harassment,
21 or retaliation, including without limitation all laws prohibiting workplace and employment
22 discrimination; (vii) freedom of association; or (viii) building or fire codes. "Sweatshop Labor"
23 also shall mean any work performed by any person contributing to the provision of Goods to
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the City and County under a Contract or Subcontract that constitutes Foreign Convict or Forced Labor, or Abusive Forms of Child Labor or Slave Labor.

(k) "Worker" shall mean any employee of a Contractor or Subcontractor who contributes to the provision of Goods to the City and County under a Contract or Subcontract, including but not limited to any manufacturing or assembling of the Goods.

SEC. 12U.3. PROHIBITION ON SWEATSHOP CONDITIONS.

Each Contractor and Subcontractor shall comply with each of the following requirements:

(a) Each Contractor and Subcontractor, regarding any Worker, shall comply with all human and labor rights and labor standards imposed by treaty or law on the country in which the Goods are made or assembled, and shall not engage in Sweatshop Labor.

(b) Each Contractor and Subcontractor shall pay at least the following minimum wages to Workers: (1) to Workers working in the United States a base hourly wage, to be set and adjusted annually by the Director, to produce for 2,080 hours worked, an annual income equal to or greater than the U.S. Department of Health and Human Services most recent poverty guidelines for a family of three plus an additional 20 percent of the wage level paid, including without limitation amounts paid as hourly wages or health benefits or retirement benefits; and (2) for Workers working in countries other than the United States, a wage, to be set and adjusted annually by the Director, that shall be comparable to the wage for domestic manufacturers established above, adjusted to reflect the country's level of economic development by using the World Bank's most recent Gross National Income per capita Purchasing Power Parity Index.



1 (c) This Chapter specifies a minimum level of compensation to be paid Workers and
2 shall not be construed to preempt or otherwise limit any other applicable law, regulation or
3 requirement that requires a higher level of compensation.

4 (d) Each Contractor and Subcontractor shall keep or cause to be kept for a period
5 of not less than three years from the date of the expiration or termination of the term of the
6 Contract, basic payroll and time records for each Worker, and copies of any tax records filed
7 with a governmental entity during the term. Such records shall include the following for each
8 Worker: (a) name and job classification; (b) a general description of the work the Worker
9 performed each day and the rate of pay (including rates of contributions for, or costs assumed
10 to provide fringe benefits); and (c) the daily and weekly number of hours worked, deductions
11 made; and (d) any actual wages paid.

12 (e) Each Contractor and Subcontractor shall maintain weekly certified payroll
13 records for submission to the Office of Contract Administration, the Office of Labor Standards
14 Enforcement, or the Director's designee or other authorized officers or agents of the City and
15 County upon demand. The Contractor shall be responsible for submitting the payroll records
16 of its Subcontractors, although Subcontractors shall submit such records directly to the City
17 and County upon request. All certified payroll records shall be accompanied by a statement
18 signed by the Contractor, or Subcontractor if requested by the City and County to submit the
19 records, stating that the records are complete and correct.

20 (f) All records required to be maintained by this Chapter shall at all times be open
21 to inspection and examination of the duly authorized officers and agents of the City and
22 County of San Francisco.

23 (g) All Contractors and Subcontractors shall comply with the overtime laws and
24 regulations applicable to their Workers. In the absence of a law setting overtime compensation.



1 overtime hours shall be compensated at the rate of one-and-one-half times the regular hourly
2 compensation rate. All overtime hours worked beyond 48 hours of working time per work week shall
3 be worked voluntarily, except mandatory overtime above that 48-hour mark is permitted if each of the
4 following conditions is satisfied: (1) the law of the country of manufacture permits mandatory overtime,
5 (2) the manufacturing facility is party to a collective bargaining agreement that permits mandatory
6 overtime, and (3) the mandatory overtime hours are worked in conformance with the collective
7 bargaining agreement.

8 (h) No Contractor or Subcontractor shall subject any Worker to any physical,
9 sexual, or other illegal harassment or abuse, including corporal punishment, illegal
10 discrimination or retaliation for exercising his or her right to free speech and assembly or other
11 rights protected under applicable labor or employment laws.

12 (i) No Contractor or Subcontractor shall require or compel any Worker to use
13 contraceptives or take pregnancy tests.

14 (j) Before commencing any work under the Contract, the Contractor shall provide
15 the City and County a list of the names and addresses of each Subcontractor to be utilized in
16 the performance of the Contract, the Contractor's and each Subcontractor's applicable state
17 tax identification number and the address of each manufacturing or other facility or operation
18 of the Contractor and its Subcontractors for the performance of the Contract. The Office of
19 Contract Administration shall post this information on its internet website before a Contractor
20 or any of its Subcontractors may commence work under the Contract. Contractor shall update
21 the list to show any changes in the Subcontractors or the facilities or operation during the term
22 of the Contract. Before commencing any work under the Contract, the Contractor also shall
23 provide the City and County a written statement showing the amount to be paid each
24 Subcontractor and shall update this information in writing to show changes in the amount to
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1 be paid any Subcontractor or amounts to be paid Subcontractors added after submittal of the
2 most recent statement to the City and County. Amounts to be paid to subcontractors may be
3 reported in ranges of \$20,000 to \$50,000; \$50,001 to \$100,000; \$100,001 to \$250,000; \$250,001 to
4 \$500,000; above \$500,000; or such other ranges as the Director, after consultation with the Office of
5 Labor Standards Enforcement and Sweatfree Procurement Advisory Group, deems appropriate to
6 effectively implement this Chapter. Updates in the amount to be paid a Subcontractor or
7 Subcontractors after submittal of the most recent statements to the City and County need only be
8 submitted if the changed amount would fall into a different range.

9 (k) During each year of the term of a Contract, the Director, the Office of Labor
10 Standards Enforcement, or the Director's designee may request a written assurance from the
11 Contractor and each of its Subcontractors that the Contractor or Subcontractor is in
12 compliance with this Chapter. The request may seek confirmation of compliance with some or
13 all of the requirements of this Chapter, and may require the response to be submitted under
14 penalty of perjury. The Contractor or Subcontractor shall provide the written assurance within
15 the time period specified by the Director, the Office of Labor Standards Enforcement, or the
16 Director's designee, which shall not be less than 14 days from receipt of the request.

17 (l) Each Contractor and Subcontractor shall be responsible for ensuring the
18 Subcontractor's compliance with this Chapter.

19 (m) Contractors and Subcontractors shall demonstrate commitment to best practices
20 and continuous improvement in management practices to eliminate Sweatshop Labor,
21 including the right to freedom of association and collective bargaining. No Contractor or
22 Subcontractor shall subject a Worker to harassment, intimidation or retaliation as a result of
23 his or her efforts to freely associate or bargain collectively. This subsection shall not apply to
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Contractors or Subcontractors subject to the National Labor Relations Act, 29 U.S.C. §§ 151 et seq.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 12U.9 to read as follows:

SEC. 12U.9. EXCEPTIONS.

This Chapter shall not apply in the following circumstances:

(a) When a Contract involves the expenditure of funds received by the City and County and the application of this Chapter would violate or be inconsistent with the terms or conditions of the applicable grant agreement, subvention or agreement or the instructions of an authorized representative of any such agency with respect to any such grant agreement, subvention or agreement.

(b) When the Director or the Director's designee determines that there is only one responsible contractor available to provide the Goods and that contractor is unable to comply with this Chapter, or the City and County department, commission, office or other City and County entity seeking to enter into the contract certifies in writing to the Director, and the Director finds that there are no qualified responsive bidders or proposers or prospective contractors that would comply with the requirements of this Chapter and the Contract is for Goods that are essential to the City or the public. *This subsection (b) is subject to the provisions of Section 12U.9.5. If a waiver is granted pursuant to this subsection (b), the Contract entered into as a result of the waiver may be for a term of no greater than two years.*

(c) When the Contract is with a public entity.



(d) When the acquisition of Goods is only incidental to the other purchases under the Contract. The acquisition of Goods shall be incidental if the amount paid by the City for the Goods is 10 percent or less than the total amount of the Contract.

(e) If the department recommending the Contract certifies in writing to the Director that pursuant to Administrative Code Section 6.60 or 21.15 that the Contract is necessary to respond to an emergency which endangers the public health or safety and no entity which complies with the requirements of this Chapter capable of responding to the emergency is immediately available.

Section 3. The San Francisco Administrative Code is hereby amended by adding Section 12U.9.5 to read as follows:

SEC. 12U.9.5. AWARD OF CONTRACT ABSENT A SWEATFREE-COMPLIANT BID OR PROPOSAL.

(a) It is the City's goal to achieve full compliance with this Chapter. But, in the absence of bids or proposals that are fully compliant with the provisions of this Chapter, the City should have authority to award Contracts to the bidder or proposer that is most compliant with this Chapter. If, in response to a solicitation for bids or a request for proposals, the City receives no bids or proposals that are fully compliant with the provisions of this Chapter, the Director is authorized to enter into a Contract with a noncompliant bidder or proposer, according to the following principles.

(b) Notwithstanding the determination of low bid or highest ranked proposal, the Director shall have authority to determine which bidder or proposer most substantially complies with this Chapter, and shall award the Contract to that bidder or proposer.

(c) No Contract awarded pursuant to subsection (b) may exceed two years in term unless the Director determines, no later than six months prior to the expiration of the original term of the



1 Contract, that the Contractor has achieved an additional level or levels of compliance with the
2 provisions of this Chapter that warrants exercise of an option to extend the Contract for up to an
3 additional year.

4 (d) Any Contract awarded pursuant to subsection (b) shall be terminated by the Director
5 during the original term of the Contract or any extension of the original term if the Director determines
6 that the Contractor (i) is not making a good faith effort to achieve an additional level or levels of
7 compliance with the provisions of this Chapter or (ii) has not corrected within a reasonable time, as
8 defined by the Director, a specific violation of this Chapter that the City discovers after award of the
9 Contract. In addition, the Director shall include in any Contract awarded pursuant to subsection (b) a
10 compliance plan that identifies deficiencies in the bid or proposal and specifies a condition or
11 conditions and related timetables designed to achieve an additional level or levels of compliance
12 with the provisions of this Chapter no later than six months prior to the expiration of the original
13 term of the Contract; ~~including requirements for specific compliance plans, and failure of the~~
14 Contractor to satisfy said compliance plan ~~condition or conditions~~ may serve as the basis for the
15 Director to terminate the Contract.

16 (e) Standards for determining most substantial compliance under subsection (b) and
17 additional level or levels of compliance under subsections (c) and (d) shall be adopted by the Director
18 following consultation with the Office of Labor Standards Enforcement and the Sweatfree Procurement
19 Advisory Group, and a public hearing. Such standards shall give due consideration to the City's need
20 to receive information from bidders and Contractors to enable the City to monitor compliance with this
21 Chapter; the degree to which a particular requirement of the Ordinance is not being complied with by
22 a bidder or Contractor; the number of requirements of the Ordinance that are not being complied with
23 by a bidder or Contractor; practical difficulties faced by bidders and/or Contractors generally in
24 complying with a particular requirement of the Ordinance; the relative importance, if ascertainable, of



1 the different labor standards set forth in Section 12U.3; and such other factors as may be relevant to
2 achieving maximum compliance with this Chapter.

3 Such standards shall become operative on the effective date of this Section if they are adopted
4 by the Director before then. Such standards shall become operative on the date they are adopted by the
5 Director if that occurs after the effective date of this Section.

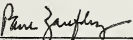
6 In addition, the Director has authority to adopt rules and procedures that implement this
7 Section.

8 (f) The Director shall not award a Contract pursuant to subsection (b) where the
9 cost of that contract would exceed the low bid or highest ranked proposal by more than
10 15 percent.

11 (g) The Director shall submit quarterly reports to the Board of Supervisors regarding
12 the implementation of this Section and contracts issued to otherwise noncompliant bidders or
13 proposers under this Section.

14 (h) Neither subsection (b) nor any other provision in this Section shall override the
15 Director's authority to reject all bids or proposals or take other action within his or her legal authority.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 PAUL ZAREFSKY
21 Deputy City Attorney
22
23
24
25





City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 071369

Date Passed:

Ordinance amending Sections 12U.2, 12U.3, and 12U.9 of the Administrative Code, and adding Section 12U.9.5, to (1) provide a system for awarding contracts to a bidder or proposer most substantially in compliance, but not in full compliance, with the Sweatfree Contracting Ordinance, when no bids or proposals are in full compliance, but only where such awards would not increase the cost of the contract by more than fifteen percent; and (2) make other changes in the Sweatfree Contracting Ordinance, including relaxing the ban on mandatory overtime; referencing retirement benefits in calculation of wages; and relaxing the requirement for contractors' providing information as to amounts to be paid to subcontractors by providing that amounts be reported within a monetary range rather than as an exact dollar figure.

November 6, 2007 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

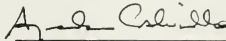
November 13, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval



File No. 071369

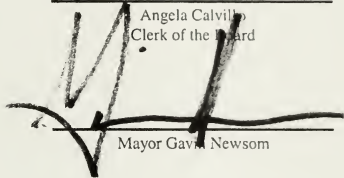
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on November 13,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

11-14-07

Date Approved



Mayor Gavin Newsom



